

## Chapter 6 Summary: Manslaughter

Moving on from the discussion of murder in Chapter 5, Chapter 6 explores the other homicide offences. Our particular focus is manslaughter, both voluntary manslaughter and involuntary manslaughter.

### Voluntary manslaughter (Chapter 6.2)

Voluntary manslaughter arises where D commits murder (completes *both* actus reus and mens rea elements) but is able to rely on a partial defence. The partial defences are:

- Loss of self-control: D kills having lost control owing to a fear of serious violence or because of extremely grave circumstances giving her justifiable sense of being seriously wronged (Coroners and Justice Act 2009, s54);
- Diminished responsibility: D kills whilst suffering from an abnormality of mental functioning arising from recognised mental illness that impacted substantially on her ability to reason or maintain self-control at the time of the killing (Homicide Act 1957, s2);
- Suicide pact: D kills V in pursuance of an agreement that they will both die together (Homicide Act 1957, s4).

### Involuntary manslaughter (Chapter 6.3)

Involuntary manslaughter arises where a defendant completes the actus reus of murder (common among homicide offences), but does not commit murder because she lacks the required mens rea. D commits manslaughter in such a case if her mens rea does come within an involuntary manslaughter offence of:

- Unlawful act manslaughter: D commits a criminal act in dangerous circumstances, and this causes the death of V (key case: *AG Ref No 3 of 1994*);
- Gross negligence manslaughter: D causes V's death through criminal negligence (key case: *Adomako*);
- Reckless manslaughter: D causes V's death, being reckless as to causing death or GBH.

### Statutory offences of unlawful killing (Chapter 6.4)

The offences discussed here include corporate killing, driving causing death, infanticide, and the killing of a foetus.

### Reform (Chapter 6.5)

A lot has been written on the potential reform of homicide. Major debates include:

- The definition of the partial defences;
- The definition of manslaughter offences;
- The structure and coherence of all homicide offences.

### Eye on assessment (Chapter 6.6)

The final part of the chapter provides a scheme on how to apply homicide offences within a problem question, with particular focus on how to identify the relevant legal rules to apply.