






VOLUNTARY MANSLAUGHTER REVISION WORKSHEET

The following icons are used in this worksheet to indicate:


-  Fill-in the blanks;
-  Give a case name or statute;
-  Delete the incorrect answer(s);
-  A short answer question or task; and
-  True or false; or guilty or not guilty.

PROVOCATION

This defence to murder is contained in s___ of the _____ Act _____ and reduces murder to manslaughter. There are three requirements:

EVIDENCE

The judge must decide if there is any evidence of provocation to go before the jury. A person can be provoked by “things done or by things said”.

-  Give three case examples:

LOSS OF SELF-CONTROL

The jury must then decide if there was a loss of self-control on the part of the defendant. They will be directed to apply the _____ test and ask if there was a “_____ and _____” loss of self-control. Where there is evidence of “_____ time”, it may be difficult for a defendant to establish provocation.

-  Explain why the defence failed in any two of the following cases:

Duffy, Ibrams & Gregory, Ahluwalia and/or Thornton.

If there is a series of incidents over time which drives the defendant to kill, the defence will still be available according to _____ where the Court of Appeal stated that a jury may find that there was a sudden and temporary loss of control triggered by a minor incident if the defendant had endured abuse over a period of time, on the “_____” basis.

THE REASONABLE MAN TEST

The jury must decide whether a reasonable man, sharing the _____, would have acted as the defendant did. This leads to the question of what may be a relevant _____.

⊕ In *Camplin*, how did the House of Lords explain the concept of the reasonable man?

⊕ What characteristics will only be considered if they are relevant.

⊕ What characteristics will be ignored?

✓✘ In *Morhall*, where the defendant was taunted about his glue-sniffing addiction, the House of Lords held that this could not be taken into account.

✓✘ In *Holley*, a specially convened Judicial Committee of the Privy Council held that the House of Lords' decision in *Morgan Smith*, that characteristics such as a depressive illness affecting a person's level of control were relevant, was wrong.

SELF-INDUCED PROVOCATION

Decide if a defence was available in the following case:

<input type="checkbox"/>	✓ x	Reason
In _____ the defendant had made unpleasant comments to the deceased and his female companion. The victim retaliated by threatening the defendant with a beer glass. The defendant responded by fatally stabbing the victim with a flick knife.		

DIMINISHED RESPONSIBILITY

This defence to murder is contained in s____ of the ~~×~~ Manslaughter/Homicide/Lunatics Act 1957/1975 and reduces murder to manslaughter. The defendant must establish three things, on the balance of probabilities:

ABNORMALITY OF MIND

⊕ How was this phrase explained in *Byrne* by Lord Parker CJ?

⊕ List three conditions that have been decided to amount to an abnormality of mind.

CAUSE

The abnormality of mind must be caused by one of the following:

- A condition of _____ or _____ development of _____;
- Any _____ causes;
- D_____; or
- I_____.

SUBSTANTIAL IMPAIRMENT OF RESPONSIBILITY

The abnormality of mind must substantially impair (_____) the defendant's mental responsibility. In _____, the Court of Appeal approved a direction on the meaning of "substantial" impairment, to the effect that the jury should approach the word in a broad common sense way, and that the word meant ...

⊕

INTOXICATION AND DIMINISHED RESPONSIBILITY

✓× In _____, Lord Hutton suggested that a jury should be directed along the following lines where self-induced intoxication was present in conjunction with an abnormality of mind:

... has the defendant satisfied you that, despite the drink, his mental abnormality substantially impaired his mental responsibility for his fatal acts, or has he failed to satisfy you of that? If he has satisfied you of that, you will find him not guilty of murder but you may find him guilty of manslaughter. If he has not satisfied you of that, the defence of diminished responsibility is not available to him.