



**Law
Commission**
Reforming the law



Have your say on the law of homicide

Homicide is when a person kills
another person.



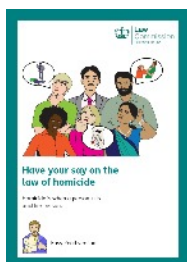
Easy Read version



**Law
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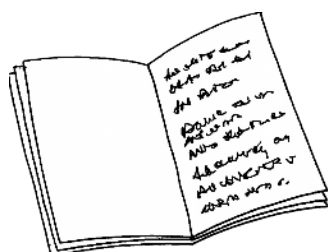
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We know reading about violence
and murder can be upsetting.

If anything in this paper upsets you,
ask for help.

About us



**Law
Commission**
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We are the Law Commission of England and Wales.



We look at the law and make **recommendations** to the Government.

Recommendations suggest changes to make the law better.



It is up to the Government if they want to follow our recommendations.

What this paper is about



The Government has asked us to look at the law about **homicide**.

Homicide is when a person kills another person.

Homicide includes two main offences: **murder** and **manslaughter**.



Murder is the crime of killing a person with intention to kill, or to cause very serious injury.

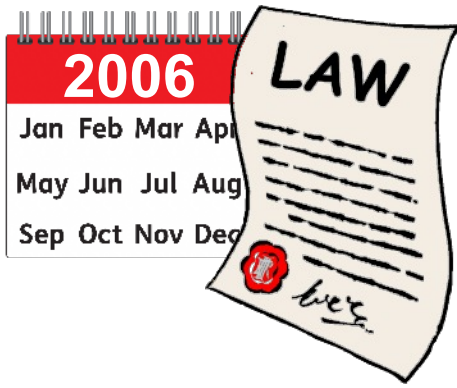
Manslaughter is a crime of killing a person where the defendant was:

- reckless or negligent

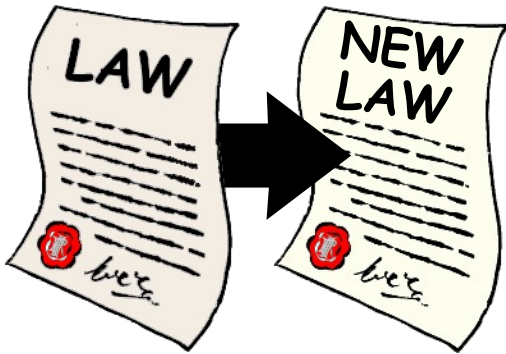
or

- when a **partial defence to murder** applies.

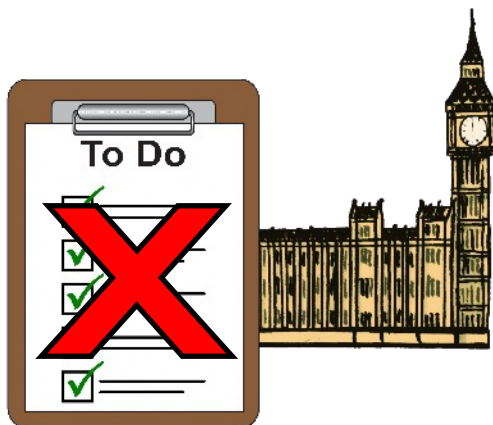




We looked at this law almost 20 years ago in 2006.



We made recommendations for changing the law.



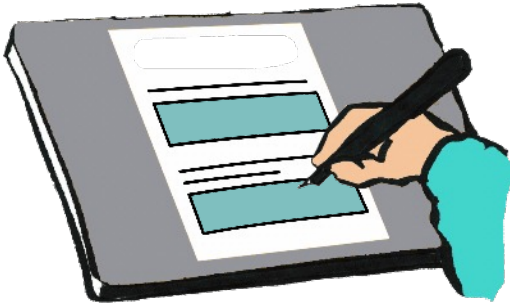
The Government did not follow most of our recommendations.



We are looking again at the law of homicide.

We are not looking at anything to do with euthanasia, assisted suicide and abortion. We cannot review sentencing for manslaughter.

What we want you to do



We want you to read this paper and answer the questions that are in green boxes.



Email your answers to
homicide@lawcommission.gov.uk



by Friday 31 October 2025



You can read our full consultation paper on our website at:
lawcom.gov.uk/publication/homicide-law-call-for-evidence/

This is not in Easy Read.

Words we use in this paper

We use a lot of hard words in this paper. These are in **bold**.

Abortion: when someone decides to end a pregnancy.

Defendant: the person in court who is accused of a crime.

Euthanasia: killing someone to stop their pain, usually when the person is very ill and dying.

Fault element: what the defendant had in mind when they committed an offence.

Full defence: when the defendant is found not guilty because the killing is justified.

Homicide: a wide term for murder and manslaughter.

Murder: the crime of killing a person with intention to kill, or to cause very serious injury.

Manslaughter: a crime of killing a person where the defendant was:

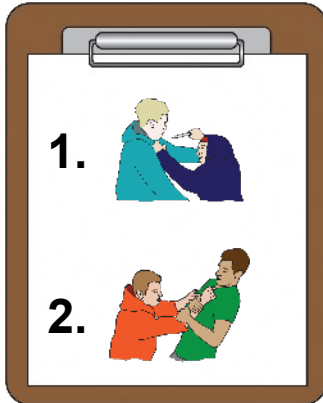
- reckless or negligent
- or when a partial defence to murder applies.

Partial defence to murder: when the court convicts the defendant of manslaughter instead of murder, because the killing is justified only in part.

Reckless or negligent: when the defendant took an unjustified risk or was not careful about their actions.

Sentence: the court's punishment of a defendant who is found guilty.

Homicide crimes



What happens now

There are 2 main homicide crimes: murder and manslaughter.

This is called the 2-tier structure because there are 2 tiers or levels.



Many people say the 2-tier structure does not work.



What we recommended in 2006

In 2006 we recommended 3 tiers of homicide crimes called first-degree murder, second-degree murder and manslaughter.



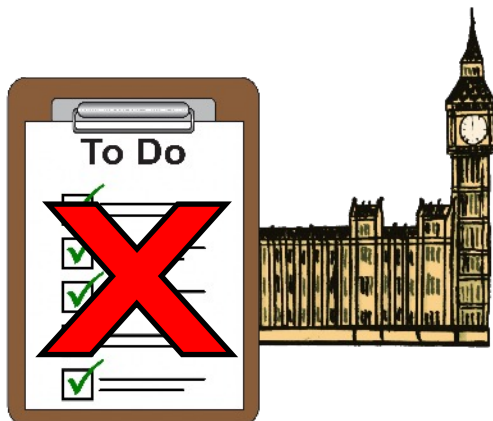
Only first-degree murder would be punished with a mandatory life sentence.



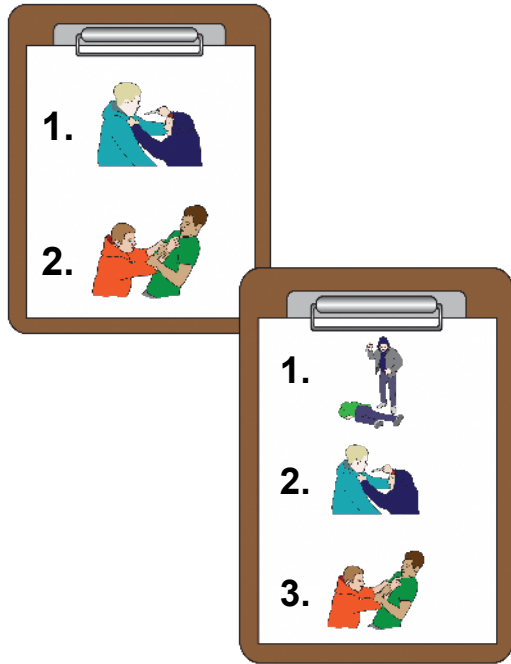
Second-degree murder and manslaughter would be punished with a sentence of maximum life imprisonment.



We said that this structure would be clearer and fairer to defendants.



The Government did not follow our recommendations.



Is there anything you want to tell us about:

- the current 2-tier structure of homicide crimes

or

- how do you think a 3-tier structure would work?

What a person has in mind when they commit a crime

This is called the **fault element**.



What happens now

The fault element of murder means they intended to kill or to hurt another person very badly.



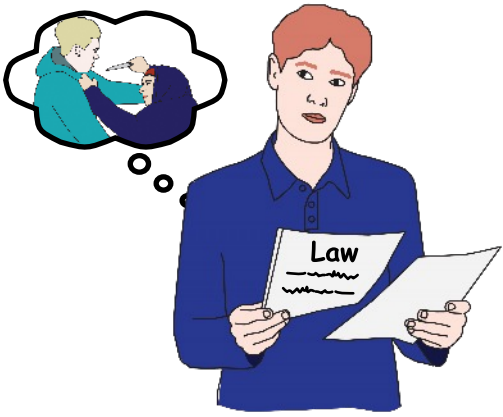
The fault element of manslaughter can be:

- where the defendant could see there was a risk of death

or

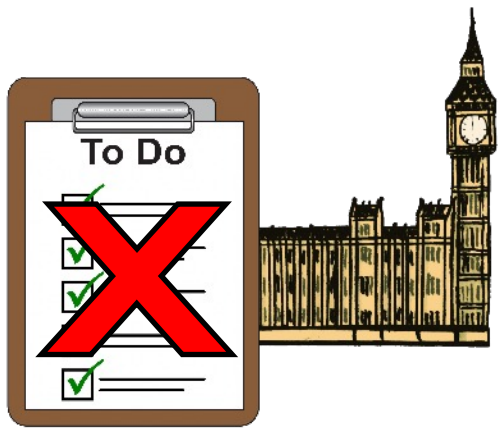


- where the defendant did something so bad that it was against the law.



What we recommended in 2006

We recommended the fault elements should be explained clearly in the law. For example, what it means to intend to kill, or to be negligent, or what is a risk.



The Government did not follow our recommendations.



Is there anything you want to tell us about the fault elements of homicide crimes and how they can be explained?

When more than 1 person helps in killing someone



This is called **complicity in murder**.

For example, one person shoots and kills someone and another person drives the car to escape.

The first person is called the **principal**, and the second person is called the **accessory**.



Joint enterprise means the second person can be convicted of the same offence as the first person even though they did not actually kill anyone. For example, the person who drives the car to escape is also convicted of murder, but did not shoot the gun.



The law of complicity is very hard to understand and changed in 2016 after a UK Supreme Courts decision.



People say it is sometimes not fair.



Is there anything you would like to tell us about complicity (including joint enterprise liability) in homicide crimes?

When someone helps another person to die



When someone helps another person to die because they think it is a kind thing to do, for example, the person was very ill and dying, it is called a **mercy killing**.



If the person who is ill agrees to it, then it is called a **consensual killing**.



The law says it is not okay to kill a person because it is the kind thing to do, even when the person has agreed to it.



The law says the defendant must be charged with either murder or manslaughter.



Is there anything you would like to tell us about mercy and consensual killings?

Remember that we are not looking at whether euthanasia and assisted suicide should be lawful.

Killing a child



This is called **infanticide**. A mother is guilty of infanticide if she kills her child under 12 months old because she is mentally unwell from giving birth or breastfeeding.

Infanticide is a separate homicide crime.



It can also be used by a defendant to defend themselves in court if they have been charged with murder or manslaughter.



What happens now

If the defendant is guilty of infanticide, the sentence is up to life imprisonment.



But the sentence is often much lower and can lead to the defendant receiving treatment in hospital.

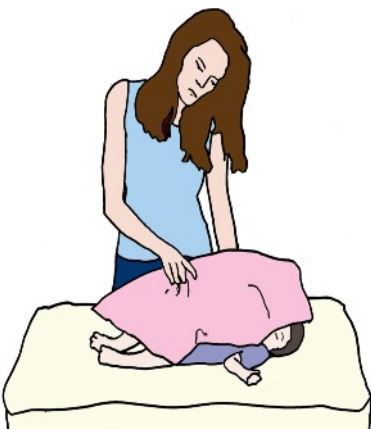


What we recommended in 2006

We said the rules about infanticide did not need to change.

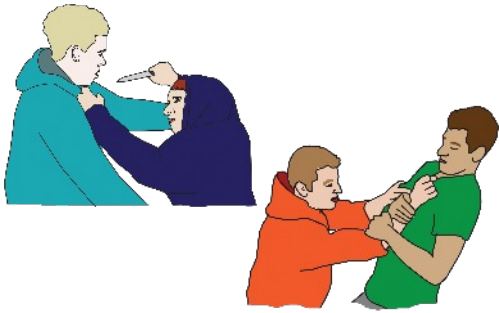


People think we should look at infanticide rules again and we want to know more about how the law should deal with it.



Is there anything you would like to tell us about infanticide?

Other things to think about



We have covered the main homicide crimes above.

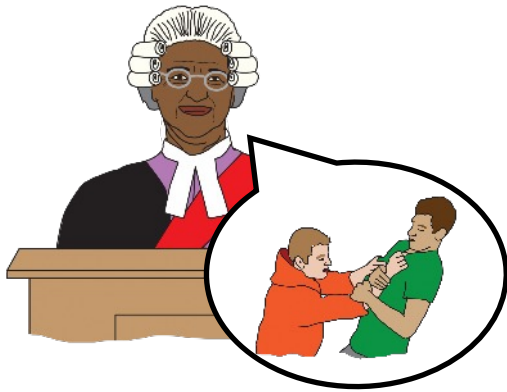


We can also look at other parts of homicide law such as causing death by driving.



Are there any other things in homicide law that you think we should check?

Defences



Partial defences to murder

Partial defence to murder is when the court convicts the defendant of manslaughter instead of murder, because the killing is justified only in part.

There are 2 reasons when this can happen:

1. Loss of control



This is when a defendant kills due to a loss of control. They may lose control because they:



- are scared of serious violence from the victim

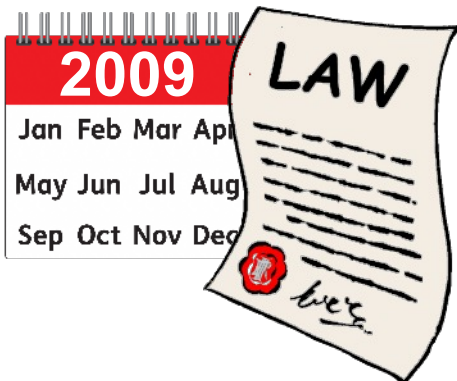


- feel seriously wronged by the victim, for example, the victim may have lied to them or let them down.

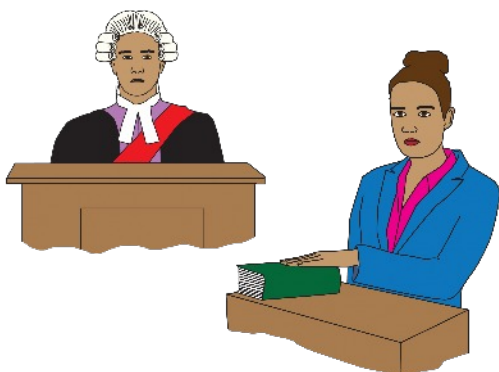


2. Diminished responsibility

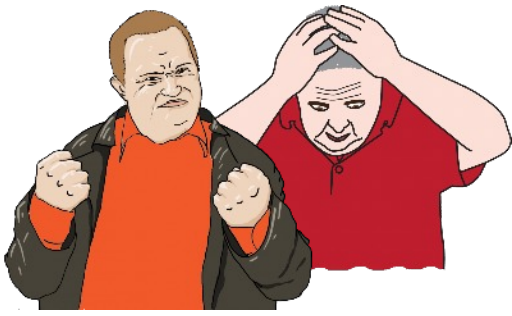
This is when a defendant was not thinking clearly because they were mentally unwell and did not understand what they were doing.



There were some changes to the law in 2009.



But it is still difficult for a defendant to use a partial defence in court, especially when a victim of domestic abuse kills the person who abused them.



Is there anything you would like to tell us about loss of control and diminished responsibility?

Full defences



Full defence is when the defendant is found not guilty because the killing is justified.

Full defences apply to all crimes.

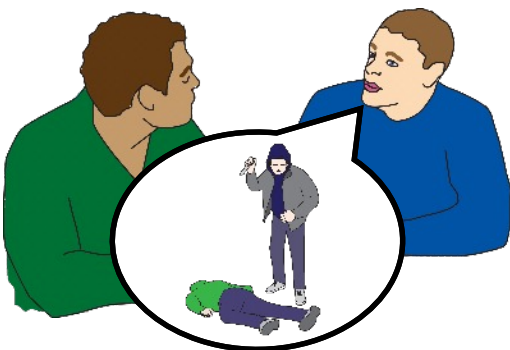


But we are only looking at full defences when they apply to homicide crimes.

Duress and **self-defence** are full defences.

What happens now

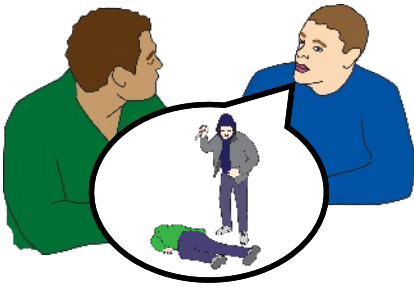
Duress



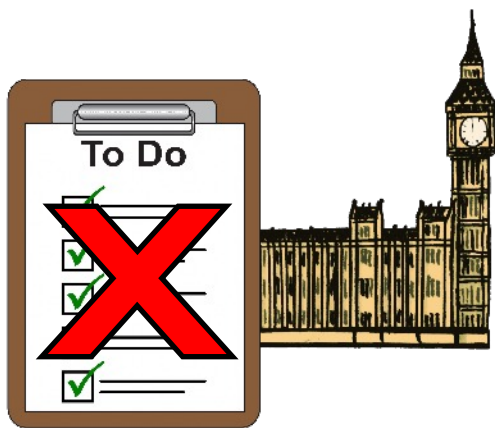
Duress happens when a defendant is told they will be killed if they do not commit a crime.

Duress does not apply to murder.

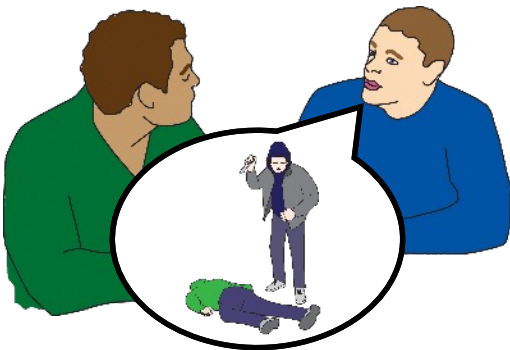
What we recommended in 2006



We recommended duress should apply to murder, because a defendant should not be forced to choose between saving their own life or someone else's because they are scared.



The Government did not follow our recommendation.

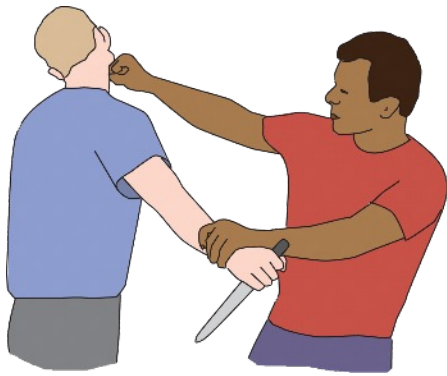


Is there anything you would like to tell us about duress and how it should apply to homicide offences?

Self-Defence

Self-defence is when someone kills to protect themselves from an aggression from the victim.





What happens now

In general, a defendant can use force against the victim and kill if the force is reasonable.



But if a defendant kills someone who has broken into their home in self-defence, the law says you can use some extra force.



We did not make recommendations on self-defence in 2006.



Is there anything you would like to tell us about self-defence in homicide law?

Other full defences to think about



We may also look at other full defences if they apply to the law of homicide.



Is there anything you would like to tell us about what other full defences you think we should look at in the law of homicide?

Homicide law where victims of domestic abuse kill the person who hurt them



We use the term domestic abuse to describe abuse between:

- close partners and relatives. This can include current partners, ex-partners and family members



- parents of the same child



- carers and people they care for.



What happens now

Homicide law is the same for a victim of domestic abuse who kills the person who abused them.



The defendant can use partial and full defences in court just like any other defendant.



Victims of domestic abuse can be vulnerable.



People think that the law doesn't always understand how domestic abuse can affect victims who kill their abusers. This makes it hard for people accused of these crimes to use the current defences.



Is there anything you would like to tell us about homicide law in cases where victims of domestic abuse kill the person who hurt them?

Sentencing for murder



When a court finds a defendant guilty of a crime the court must decide the defendant's **sentence**.

A **sentence** is the punishment for the crime.



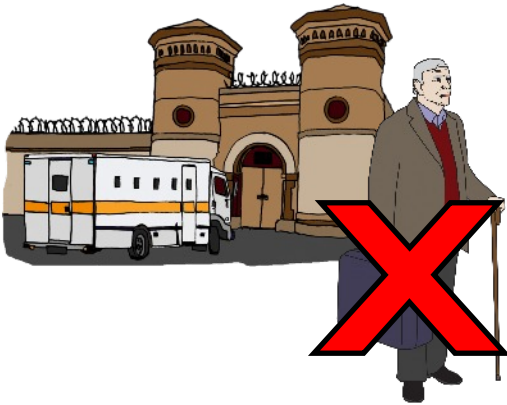
When a defendant is convicted of murder, the judge must give them a life sentence.



This does not mean the defendant will spend the rest of their life in prison.



The judge must say the minimum amount of time they will spend in prison before they can apply for release on licence: this is called a “minimum term” or a “tariff”.



When the murder is very serious, the judge can give them a **whole life term**.

A **whole life term** means the defendant will never be released from prison.

Judges use the rules on sentencing for murder in a law called Schedule 21 to the Sentencing Code. These rules include:



- minimum time in prison



- what the judge should think about when deciding the sentence, for example, what makes the killing more serious or less serious.



People say:

- Schedule 21 is too strict



- sometimes the length of a sentence does not suit how serious the murder is



- sentencing is hard to understand.



Is there anything you would like to tell us about sentencing for murder?

We cannot look at how a judge sentences someone for manslaughter, because an independent body called the Sentencing Council makes guidelines about that.



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