Northumbria University NEWCASTLE

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Northumbria legal experts and psychiatrists grapple with changes to murder defences

Senior lecturer Nicola Wake and Principal lecturer Natalie Wortley led a session entitled, 'Partial Defences to Murder: Where are we now?' at the Grange Annual Conference in Ripley Castle, which is organised by Consultant Forensic Psychiatrist Professor Keith JB Rix from the University of Chester.

Psychiatrists are often asked to provide evidence about whether a defendant who is charged with murder had a medical condition or may be asked whether a defendant had lost self-control when carrying out the crime. These

defences, if accepted by the jury, can reduce the charge of murder to that of manslaughter.

However recent changes to two of the partial defences to murder mean that psychiatrists and defence lawyers need to be aware of which medical conditions are covered by the partial defences.

The defence of diminished responsibility was radically altered in 2009, and is now available where the defendant claims that an abnormality of mental functioning arising from a recognised medical condition substantially impaired the defendant's ability to understand the nature of their conduct, form a rational judgement, or to exercise self-control.

Unsurprisingly some conditions that are medically recognised are highly likely to be rejected by courts. Kleptomania, exhibitionism and paedophilia are examples of conditions that are included in the World Health Organisation's International Classification of Diseases Manual but which courts are unlikely to accept as a partial defence for murder.

Nicola Wake, Senior Lecturer and MLaw Year One Director, said: "The changes were designed to update the partial defences but the wording of the new defences raise important legal questions for the court and do not appear to have made the role of psychiatrists or lawyers any easier.

"In a recent case, a defendant attempted to claim that voluntary acute intoxication was capable of satisfying the requirements of the partial defence for murder but this was rejected by the court.

"Our session at the Grange Annual Conference is important because many psychiatrists are asked to provide evidence about a defendant's medical condition and may be asked whether a defendant lost self-control, and so it is important that they are aware of the changes to the defences of Diminished Responsibility and Loss of Control which might rule out some of the medical conditions they cite in evidence."

Conference organiser Professor Keith JB Rix said: "The continuing professional development of psychiatrists who assist the courts in the administration of justice makes it necessary for them to keep abreast of changes in the law. I am pleased that The Grange Annual Conference,

attended by psychiatrists and psychologists engaged in medicolegal work, will have the benefit of discussing changes in the law on homicide with two of the country's leading authorities on the subject."

Natalie Wortley, Deputy Director for Northumbria's Centre for Evidence and Criminal Justice Studies, added: "The Centre for Evidence and Criminal Justice Studies brings together academics and practitioners, including lawyers, judges and expert witnesses, to exchange ideas and encourage research. The Grange Conference is an opportunity for us to explain how the new defences are being interpreted by the courts, which is important for expert witnesses who may be called to testify in such cases.

"It also gives us an opportunity to find out how easy or difficult the new provisions are for psychiatrists to work with in practice."

For further information on the work of the Centre for Evidence and Criminal Justice Studies, contact the Deputy Director for the Centre, Natalie Wortley (n.wortley@northumbria.ac.uk).

Anyone wanting to find out more about the range of law programmes available can sign up for Northumbria University's open day on 25 October by visiting www.northumbria.ac.uk/openday. Representatives from Northumbria's Law School will be on hand to discuss the various degree courses on offer.

Northumbria is a research-rich, business-focussed, professional university with a global reputation for academic excellence. To find out more about our courses go towww.northumbria.ac.uk

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