

Jersey Law 3/1986

HOMICIDE (JERSEY) LAW, 1986

A LAW

to amend the law relating to homicide and for connected purposes, sanctioned by Order of Her Majesty in Council of the

26th day of MARCH, 1986.

(Registered on the 25th day of April, 1986).

STATES OF JERSEY

The 20th day of November, 1984.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

ARTICLE 1

Abolition of capital punishment in the case of persons convicted of murder

(1) Notwithstanding any enactment or rule of law to the contrary, on and after the date of the coming into force of this Law, no person shall suffer death for murder and a person convicted of murder shall be sentenced to imprisonment for life.

(2) On sentencing any person convicted of murder to imprisonment for life, the Court may at the same time declare the period which it recommends as the minimum period which in its view should elapse before that person is released from prison on licence.

ARTICLE 2

Provision for the trial of murder and manslaughter where the cause of death happens in the Bailiwick and the death happens outside the Bailiwick

Where any person being criminally stricken, poisoned, or otherwise hurt in any place in the Bailiwick, shall die of such stroke, poisoning, or hurt upon the sea, or at any place out of the Bailiwick, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, may be dealt with, inquired of, determined, and the offender tried and sentenced in the Bailiwick.

ARTICLE 3

Persons suffering from diminished responsibility

(1) Where a person kills or is a party to the killing of another, he shall not be convicted of murder if he was suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury) as substantially impaired his mental responsibility for his acts and omissions in doing or being a party to the killing.

(2) On a charge of murder, it shall be for the defence to prove that the person charged is by virtue of this Article not liable to be convicted of murder.

(3) A person who but for this Article would be liable, whether as principal or as accessory, to be convicted of murder shall be liable instead to be convicted of manslaughter.

(4) The fact that one party to a killing is by virtue of this Article not liable to be convicted of murder shall not affect the question whether the killing amounted to murder in the case of any other party to it.

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ARTICLE 4

Provocation

Where on a charge of murder there is evidence on which the jury can find that the person charged was provoked (whether by things done or by things said or by both together) to lose his self-control, the question whether the provocation was enough to make a reasonable man do as he did shall be left to be determined by the jury; and in determining that question the jury shall take into account everything both done and said according to the effect which, in their opinion, it would have on a reasonable man.

ARTICLE 5

Short title and repeal

(1) This Law may be cited as the Homicide (Jersey) Law, 1986.

(2) The enactments mentioned in the first column of the Schedule to this Law are hereby repealed to the extent mentioned in the second column.

E.J.M. POTTER

Greffier of the States

*Jersey Law 3/1986**Homicide (Jersey) Law, 1986**SCHEDULE***(Article 6)**

<i>First column</i>	<i>Second column</i>
Loi (1864) réglant la procédure criminelle ¹	Articles 25 and 53
Loi (1907) au sujet de la peine de mort ²	The whole Law
Criminal Justice (Jersey) Law, 1957, as amended ³	Article 6
Prison (Jersey) Law, 1957, as amended ⁴	Article 9
Children (Jersey) Law, 1969, ⁵ as amended	Article 12

¹ Tomes I–III, pages 290 and 296.

² Tomes IV–VI, page 245.

³ Tome VIII, page 679.

⁴ Tome VIII, page 661.

⁵ Volume 1968–1969, page 263.