



Jersey

# **HOMICIDE (JERSEY) LAW 1986**

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Jersey

## HOMICIDE (JERSEY) LAW 1986

### Arrangement

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Jersey

## **HOMICIDE (JERSEY) LAW 1986**

**A LAW** to amend the law relating to homicide and for connected purposes

Commencement [[see endnotes](#)]

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### **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.

### **2 Provision for the trial of murder and manslaughter where the cause of death happens in Jersey and the death happens outside Jersey**

Where any person being criminally stricken, poisoned, or otherwise hurt in any place in Jersey, shall die of such stroke, poisoning, or hurt upon the sea, or at any place out of Jersey, 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 Jersey.

### **3 Persons suffering from diminished responsibility**

- (1) Where a person kills or is a party to the killing of another, the person shall not be convicted of murder if the person 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 the person's mental

responsibility for the person's 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.

#### **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 the person's self-control, the question whether the provocation was enough to make a reasonable person do as he or she 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 person.

#### **5 Time of death<sup>1</sup>**

For the purposes of any offence involving death or suicide, there shall be no presumption of law that, by reason of the elapsing of any particular period of time between an act or omission and the date of the death, that act or omission is conclusively proved not to have caused the death.

#### **6 Restrictions on prosecution for a fatal offence<sup>2</sup>**

- (1) No prosecution to which this Article applies shall be instituted without the consent of the Attorney General.
- (2) This Article applies to a prosecution against a person for a fatal offence, if –
  - (a) the injury alleged to have caused the death was sustained more than 3 years before the death occurred; or
  - (b) the person has previously been convicted of an offence in circumstances alleged to be connected with the death.
- (3) In this Article, "fatal offence" means –
  - (a) murder, manslaughter, infanticide or any other offence of which one of the elements is causing a person's death; or
  - (b) the offence of aiding, abetting, counselling or procuring a person's suicide.

**7 Saving<sup>3</sup>**

Article 5 of this Law does not affect the application of any customary rule of law in a case where the act or omission (or the last of the acts or omissions) which is alleged to have caused the death occurred before the commencement of that Article.

**8 Citation**

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

**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and Number</b>	<b>Commencement</b>
Homicide (Jersey) Law 1986	L.3/1986	25 April 1986
Homicide (Amendment) (Jersey) Law 2001	L.5/2001	3 March 2001

**Table of Renumbered Provisions**

<b>Original</b>	<b>Current</b>
4A	5
4B	6
4C	7
5	8
Schedule	spent, omitted from this revised edition

**Table of Endnote References**

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- <sup>1</sup> Article 5                      *inserted by L.5/2001*  
<sup>2</sup> Article 6                      *inserted by L.5/2001*  
<sup>3</sup> Article 7                      *inserted by L.5/2001*