



Ministry
of Justice

Gweinyddiaeth
Cyfiawnder

Sir Nic Dakin MP
Parliamentary Under-
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Alex Davies-Jones MP
Parliamentary Under-
Secretary of State

Andy Slaughter MP, Chair
Justice Select Committee
House of Commons
London
SW1A 0AA

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05 December 2024

Dear Andy,

HOMICIDE LAW AND SENTENCING REVIEW AND DOMESTIC MURDER SENTENCING REFORMS

This Government is committed to halving violence against women and girls over the next 10 years. We are writing to inform you that tomorrow the Lord Chancellor will announce that the Law Commission has accepted our request to undertake a review of the law of homicide and the sentencing framework for murder. In addition, the Lord Chancellor will announce that we intend to bring forward legislation to implement two outstanding recommendations in the independent Domestic Homicide Sentencing Review by Clare Wade KC.

Law Commission review

The law of homicide was last subject to a thorough review by the Law Commission in the early 2000s. At that time the Government decided not to implement the majority of the recommended changes. In the almost 20 years since then, the problems identified in that review have remained largely unchanged, and as society and the law has moved on, new issues have emerged. These include the interactions between the law on homicide and joint enterprise and the extent to which the law reflects a modern understanding of the effects of domestic abuse. Following the Nottingham attacks last year, the families of the victims have also called for homicide law reform, particularly with regard to how diminished responsibility should be reflected in the classification of homicide offences.

Our current sentencing framework for murder was first introduced over 20 years ago, and multiple, piecemeal amendments have been made to it since then. Recent concerns particularly relate to gendered disparities for murders committed in a domestic context. These include the inadequate reflection of prior abuse in minimum terms for abusive men who kill their female victims, and disproportionately long tariffs for women who kill their male abusers.

The Lord Chancellor has asked the Law Commission to undertake a project to consider these issues, revisiting and building upon their report in the early 2000s. The Law Commission will review the law relating to homicide offences, including full and partial defences to those offences, and this time also the sentencing framework for murder.

The Law Commission has already started work on a project reviewing the defences to homicide for victims of domestic abuse who kill their abuser. That project will continue under the umbrella of this full review of homicide law, allowing the Law Commission to consider the issue holistically, moving beyond defences to consider the homicide offences themselves and sentencing for this group of defendants.

The Law Commission expects to begin work on this review in early 2025, at which point they will publish a detailed timeline for the project. The Terms of Reference and more information on the review will be available on the Law Commission's website.

Domestic Homicide Sentencing Review recommendations

We anticipate that the Law Commission review will take several years to complete, and the Government will then need to consider the recommendations and bring forward any necessary legislation. This is the right course of action for such a complex area of law, but it is not a quick one.

We therefore intend to take more immediate action in the short-term by implementing two of the outstanding recommendations made in the Domestic Homicide Sentencing Review undertaken by Clare Wade KC. In opposition we welcomed this Review and its approach of updating the sentencing framework for murder to reflect the seriousness of domestic homicides, while recognising that care must be taken to ensure that any reforms do not unduly punish cases that involve abused women killing their abuser. We did however call for more to be done, including implementation of more of the recommendations as well as wholesale reform of the sentencing framework for murder.

Therefore, alongside the Law Commission review, we intend to bring forward legislation to implement two of outstanding recommendations. These measures are statutory aggravating factors for murders involving strangulation and those connected with the end of a relationship.

In recent years strangulation has been recognised as a method of exerting power and control, particularly in the context of domestic abuse where female victims are assaulted by physically stronger males. Nearly a third of the murder cases analysed by Clare Wade KC as part of her review involved strangulation, all of which involved a male perpetrator and female victim. In over a third of cases, the murder occurred at the end, or perceived end, of the relationship, and in the majority of cases this appeared to be the catalyst for the killing. In all of these cases the perpetrator was male. A murder involving resentment or jealousy by the perpetrator at the end of a relationship is a significant feature of cases involving controlling or coercive behaviour, the final controlling act of an abusive partner.

While it is for the judge to determine the appropriate weight to be given to the aggravating factors in each case, we expect that these measures, along with the recommendations implemented by the previous Government, will have a significant impact on the custodial terms given to the perpetrators in these cases. We intend to lay a Statutory Instrument to implement these measures, and subject to consultation with the Sentencing Council and parliamentary timings, we anticipate that the legislation will come into force next year.

Please be aware that this announcement is embargoed until tomorrow morning and we therefore ask that you don't share this information publicly before then.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Nic', with a large, sweeping initial 'N'.

SIR NIC DAKIN MP
Minister for Sentencing and Youth Justice

A handwritten signature in black ink, reading 'Alex Davies-Jones', in a cursive style.

ALEX DAVIES-JONES MP
Minister for Victims and Violence Against Women and Girls