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Press Release: Justice Secretary warned sentencing review should tackle life sentences

To add to his present woes, two leading experts are telling Kenneth Clarke that he should tackle sentencing top down. He should reconsider the mandatory life sentence for murder in his Sentencing and Legal Aid Bill.

Sir Louis Blom-Cooper QC and Professor Terence Morris—who are members of the independent Homicide Review Advisory Group (HRAG)—claim that the inflexible mandatory life sentence for murder is ‘an unfair sentence enveloped in a political fix’.

It dates from the abolition of capital punishment in 1965 since when politicians have shied away from sensible reform from a mistaken belief that mandatory life must continue due to some ‘mythical pact’ with those who preferred hanging people by the neck. No such pact ever existed but despite this the mandatory life sentence retains some dubious symbolism in the mind of politicians in particular.

Blom-Cooper and Morris make these claims in a new book, ‘Fine, Lines and Distinctions’ based on careful investigation and reflection which has led them to challenge the sheer injustice of the mandatory life sentence and realise that the law of homicide itself is in ‘a mess’.

Their solution is a replacement offence of criminal homicide to cover all kinds of unlawful killing—with discretion concerning the sentence given (which may be up to and including a life sentence).

With the introduction of criminal homicide murder and manslaughter would cease to exist along with other ‘special’ forms of killing such as causing death by dangerous or careless driving.

The result would be better justice for victims and offenders: sentences geared to the facts of cases not bizarre legal distinctions.

Courts would be able to deal justly with ‘particularly troubling cases’ identified by the media such as mercy killings or deaths resulting from the protection of property and those where loss of control (formerly provocation), diminished responsibility or other mental health issues are involved.

Currently, time, resources and costs are wasted on all fronts with accused people challenging charges in court, putting up tactical defences and stalling proceedings in other ways, due to the nature of the existing law on homicide and the inflexibility of the mandatory penalty—when the real issue is one of the appropriate level of sentence not whether an unlawful killing happened.

Blom-Cooper and Morris are adamant that criminal homicide with discretion as to the correct sentence would solve many such problems and avoid countless courtroom battles.

‘Fine Lines and Distinctions: Murder, Manslaughter and the Unlawful Taking of Human Life’ will be launched by Lord Judge, Lord Chief Justice on June 30 at 6-8 pm at the Middle Temple.

Journalists wishing to attend this event or to contact the authors should contact

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Guests attending include top judges and crime and justice personnel, see attached list.

