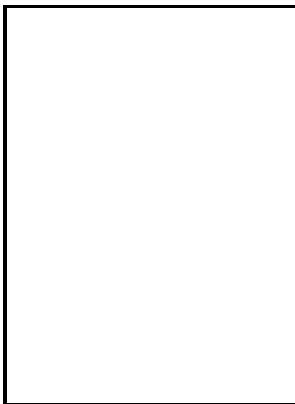


Partial defences to murder - a consultation paper.

TSO - Homicide: The Plea of Provocation (Consultation Paper) (LRC CP 27



Description: -

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Justification (Law) -- Great Britain.
Criminal liability -- Great Britain.
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Law Commission consultation paper -- no. 173Partial defences to murder - a consultation paper.

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The Court of Criminal Appeal admitted the possibility that the jury might have been confused as to the exact nature of the standard to be applied, conceding that the proportionality component of MacEoin might suggest that there was, after all, a lingering element of objectivity in the defence.

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Moreover, while the majority accepted that the provocative conduct need not be directed at the characteristic in question, they agreed that there had to be a connection between the two.

Part 2

If the objective test is as confusing and difficult to apply as is commonly assumed, the prudent option would be to abandon attempts to modify the old standard and introduce a radically subjective criterion of provocation in its stead. Secondly, the plea looks anomalous when compared with other criminal law defences.

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