

When a man of sound memory over the age of discretion unlawfully kills any reasonable creature in rerum natura under the queen's peace with malice aforethought so the victim dies it is called murder.

Actus Reus of murder is unlawful act that causes death of another human being under the queen's peace. In *Nous actus interveniens*, when another person intervenes *R v Smith* [1959] poor medical treatment affected soldiers chance of recovery from a stab wound by as much as 75% .

In all the above cases the chain of causation was not broken, the wound is still "operating cause and a substantial cause" of death. In *Cheshire* [1991] shot victim dies from negligent medical treatment.

The defendant must have caused the death of another human being. Sometimes it is argued by defence lawyers that medical treatment has itself contributed to the death of the victim but courts are wary of accepting such defences. In *R v Cheshire* [1991] the judge stated that only the most unusual medical treatment would break the chain of causation.

Mens rea of murder also known as malice aforethought is an intention to kill or to cause grievous bodily harm. a specific intention, a decision to bring about a particular consequence no matter whether the accused desires that consequence of his act or not. evidence of intention can be seen in foresight of consequences. Oblique intent, if the defendant realize that their actions will cause a particular event even if they do not want that event to happen.

Voluntary manslaughter is not a specific charge in itself but rather arises from a charge of murder to which a special and partial defence has been pleaded.

Diminished responsibility is a limited defence. It is available only be pleaded to a charge murder and reduces liability only to manslaughter. It is the statutory defence introduced by section 2 of the homicide act 1957; (1) where a person kills or is party to a killing of another, he shall not be convicted of murder if he was suffering from 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 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 section not to be convicted of murder.

Provocation is only a defence to murder. Even when D successfully pleads provocation as a defence to murder, it only reduces liability to manslaughter. The common law rule has been modified but not replaced by section 3 of the homicide act 1957.

(3) 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 the jury; and in determining that question the jury shall take into account everything both have done and said according to the effect it would have on a reasonable man



