

Unlawful Act Manslaughter

Unlawful act manslaughter is when D causes V's death whilst carrying out a criminal act that is deemed to be dangerous.

The act must be:

- Unlawful
- Dangerous
- That causes death
- An act for which D has mens rea

Actus reus

The unlawful act

The unlawful act must be a criminal offence.

Lamb 1967 – 2 men were playing with a gun that they thought would not fire, but it did and one was shot dead. There was no criminal offence involved and there was therefore no conviction of manslaughter.

Dangerous act

The objective test used to determine a dangerous act was stated by Edmund Davis in Church 1966.

Church 1966 – established the test for a dangerous act:

- 1) It need not be the accused to foresee harm, but the sober and reasonable person
- 2) The risk may be some harm, not necessarily serious harm

Mitchell 1983 – Scuffle in a post office queue resulted in an old lady dying after being knocked down. The defendant was guilty of manslaughter.

Dawson 1985 – The act was not dangerous enough to warrant a manslaughter conviction; in this case, a petrol station attendant died from a heart attack brought about by the fear of 3 men attempting to rob the shop.

Watson 1989 – in determining what is dangerous, the jury should consider what the D would have known about V at the time of the offence. In this case, the V was old and frail who then had a heart attack after a burglary.

Substantial cause of death

The normal rules of causation apply to manslaughter as they do to murder, including the thin skull rule.

Corion-Auguste 2004 – an old lady died as a result in a panic rush after a firework was thrown at a bus stop. D was the direct cause of death.