

LRC. Report on "The Year and a Day Rule in Homicide"

The Secretary of the Law Reform Commission, Mr Stuart Stoker, announced today (Friday) the publication of the Commission's Report on "The Year and a Day Rule in Homicide", recommending abolition of the rule in relation to homicide cases.

Mr Stoker explained that the "Year and a Day" Rule precluded prosecution for murder or manslaughter where the death of the victim occurred more than a year and a day after the original injury was inflicted.

This common law rule dated from the Middle Ages but advances in medical science had rendered it, in the Commission's view, outmoded and unnecessary. The effects of the rule when applied to modern conditions could lead to unfortunate results, such as where, for instance, an accused could escape prosecution for murder because his victim had been kept alive on a life support machine for 13 months after the original injury.

Mr Stoker said that a number of jurisdictions had already abolished the rule. These included England, Wales, Northern Ireland, and all states in Australia except Queensland.

Members of the public who wish to obtain a copy of the report should contact the Secretary to the Commission, 20/F, Harcourt House, 39 Gloucester Road, Wan Chai, Hong Kong. The report is also available on the Government home page <http://www.info.gov.hk>.

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