



# Murder (Abolition of Death Penalty) Act 1965

## 1965 CHAPTER 71

An Act to abolish capital punishment in the case of persons convicted in Great Britain of murder or convicted of murder or a corresponding offence by court-martial and, in connection therewith, to make further provision for the punishment of persons so convicted. [8th November 1965]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Abolition of death penalty for murder.**

- (1) No person shall suffer death for murder, and a person convicted of murder shall, subject to subsection (5) below, be sentenced to imprisonment for life.
- (2) On sentencing any person convicted of murder to imprisonment for life the Court may at the same time declare the period which it recommends to the Secretary of State as the minimum period which in its view should elapse before the Secretary of State orders the release of that person on licence under section 27 of the Prison Act 1952 or section 21 of the Prisons (Scotland) Act 1952.
- (3) For the purpose of any proceedings on or subsequent to a person's trial on a charge of capital murder, that charge and any plea or finding of guilty of capital murder shall be treated as being or having been a charge, or a plea or finding of guilty, of murder only; and if at the commencement of this Act a person is under sentence of death for murder, the sentence shall have effect as a sentence of imprisonment for life.
- (4) In the foregoing subsections any reference to murder shall include an offence of or corresponding to murder under section 70 of the Army Act 1955 or of the Air Force Act 1955 or under section 42 of the Naval Discipline Act 1957, and any reference to

capital murder shall be construed accordingly; and in each of the said sections 70 there shall be inserted in subsection (3) after paragraph (a) as a new paragraph (aa)—

“(aa) if the corresponding civil offence is murder, be liable to imprisonment for life”.

- (5) In section 53 of the Children and Young Persons Act 1933 and in section 57 of the Children and Young Persons (Scotland) Act 1937, there shall be substituted for subsection (1)—

“(1) A person convicted of an offence who appears to the court to have been under the age of eighteen years at the time the offence was committed shall not, if he is convicted of murder, be sentenced to imprisonment for life, nor shall sentence of death be pronounced on or recorded against any such person; but in lieu thereof the court shall (notwithstanding anything in this or in any other Act) sentence him to be detained during Her Majesty's pleasure, and if so sentenced he shall be liable to be detained in such place and under such conditions as the Secretary of State may direct.”

## **2 Release on licence of those sentenced for murder.**

No person convicted of murder shall be released by the Secretary of State on licence under section 27 of the Prison Act 1952 or section 21 of the Prisons (Scotland) Act 1952 unless the Secretary of State has prior to such release consulted the Lord Chief Justice of England or the Lord Justice General as the case may be together with the trial judge if available.

## **3 Short title, repeal, extent and commencement.**

- (1) This Act may be cited as the Murder (Abolition of Death Penalty) Act 1965.
- (2) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This Act, except as regards courts-martial, shall not extend to Northern Ireland.
- (4) This Act shall come into force on the day following that on which it is passed.

## **4 Duration.**

This Act shall continue in force until the thirty-first day of July nineteen hundred and seventy, and shall then expire unless Parliament by affirmative resolutions of both Houses otherwise determines: and upon the expiration of this Act the law existing immediately prior to the passing of this Act shall, so far as it is repealed or amended by this Act, again operate as though this Act had not been passed, and the said repeals and amendments had not been enacted:

Provided that this Act shall continue to have effect in relation to any murder not shown to have been committed after the expiration of this Act, and for this purpose a murder shall be taken to be committed at the time of the act which causes the death.

*Status: This is the original version (as it was originally enacted).*

SCHEDULE

Section 2.

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
33 Hen. 8. c. 12.	The Offences within the Court Act 1541.	Section 2, so far as relates to the punishment of persons found guilty of murder.
25 Geo. 2. c. 37.	The Murder Act 1751.	In section 9 the words from " or rescue ", where secondly occurring, to " during execution ".
4 Geo. 4. c. 48.	The Judgment of Death Act 1823.	In section 1 the words " except murder ".
24 & 25 Vict. c. 100.	The Offences against the Person Act 1861.	Section 1 (but without prejudice to the operation of sections 64 to 68). In section 71 the words " otherwise than with death "
31 & 32 Vict. c. 24.	The Capital Punishment Amendment Act 1868.	The whole Act, except as applied by any other enactment.
50 & 51 Vict. c. 35.	The Criminal Procedure (Scotland) Act 1887.	In section 55 the words from " in cases in " to " conviction, or". In section 56 the words from " except on conviction " to " 1829 "
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	In section 70(3)(a) the words " or murder " (and the words added by the Homicide Act 1957). In section 125(2) the words " and any rules made under section seven of that Act."
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	In section 70(3)(a) the words " or murder " (and the words added by the Homicide Act 1957). In section 125(2) the words "and any rules made under section seven of that Act."
5 & 6 Eliz. 2. c. 11.	The Homicide Act 1957.	Sections 5 to 12. In section 13, in subsection (1) the words from

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Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 53.	The Naval Discipline Act 1957.	<p>" and" to " Part III ", and subsection (2).</p> <p>Section 15.</p> <p>Schedule 1</p> <p>In section 42(1), in paragraph (a) the words from " or " to " 1957 " and in paragraph (b) the word " other ".</p> <p>In section 80(2) the words " and any rules made under section seven of that Act "</p>