



The Bar Council

Bar Council response to the Crown Prosecution Service consultation on Public Interest Guidance for Suicide Pact and 'Mercy Killing' Type Cases

1. This is the response of the General Council of the Bar of England and Wales (the Bar Council) to the Crown Prosecution Service (CPS) consultation paper on Public Interest Guidance for Suicide Pact and 'Mercy Killing' Type Cases.¹
2. The Bar Council represents approximately 17,000 barristers in England and Wales. It promotes the Bar's high-quality specialist advocacy and advisory services; fair access to justice for all; the highest standards of ethics, equality and diversity across the profession; and the development of business opportunities for barristers at home and abroad.
3. A strong and independent Bar exists to serve the public and is crucial to the administration of justice. As specialist, independent advocates, barristers enable people to uphold their legal rights and duties, often acting on behalf of the most vulnerable members of society. The Bar makes a vital contribution to the efficient operation of criminal and civil courts. It provides a pool of talented men and women from increasingly diverse backgrounds from which a significant proportion of the judiciary is drawn, on whose independence the Rule of Law and our democratic way of life depend. The Bar Council is the Approved Regulator for the Bar of England and Wales. It discharges its regulatory functions through the independent Bar Standards Board (BSB).
4. We note that the factors tending in favour of and against prosecution for suicide pact / "mercy killing" cases are consistent with those applicable in cases of assisting/encouraging suicide, save where the particular circumstances of each offence requires the guidance to be modified to reflect those circumstances. It is not our place to express a view on the policy, or where the lines are drawn. We do however commend the consistency and clarity of the guidance, which we consider will assist the proper administration of justice in this difficult area.

¹ <https://www.cps.gov.uk/consultation/consultation-public-interest-guidance-suicide-pact-and-mercy-killing-type-cases>

5. We further note that the proposed amended guidance marks a shift from the previous guidance, in which it was suggested that a prosecution would almost certainly be required in cases of homicide even in cases such as “mercy killing” of a sick relative. The Bar Council welcomes a reasoned and humane discretion in reaching decisions as to the appropriateness of prosecution in such sensitive cases.

Bar Council²

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For further information please contact

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² Prepared by the Law Reform Committee