LAW03: CRIMINAL LAW (OFFENCES AGAINST THE PERSON)

DEFENCES: AUTOMATISM
Bratty v Attorney-General for Northern Ireland (1961)

This case defined automatism as ...

"an act done by the muscles without any control by the mind, such as a spasm, a reflex action or a convulsion; or an act done by a person who is not conscious of what he is doing such as an act done whilst suffering from concussion or whilst sleep-walking."
This creates 2 types of automatism:

1. Insane automatism: also known as insanity (see previous notes); and

2. Non-insane automatism: this is the defence known as automatism.
Non-insane automatism

This is a defence because the actus reus of the crime committed is not voluntary and the D will also not have the necessary mens rea.

The cause of the automatism must be EXTERNAL:

- a blow to the head;
- attack by a swarm of bees;
- sneezing;
- the effect of a drug etc.
R v T (1990)

The D was raped and as a result suffered post-traumatic stress disorder and committed a crime.

Exceptional stress can be an external factor that can cause automatism.
The CA held that there must be "total destruction of voluntary control".

The D had driven his lorry into a stationary car, killing 2 people. D claimed he was suffering from 'driving without awareness' which had put him into a trance-like state.

As the condition only lead to partial loss of control it was not automatism.
Self-induced automatism

This is where the D knows that his conduct may bring on an automatic state.
Bailey (1983)

The D was a diabetic who failed to eat enough after taking insulin. D became aggressive and hit V over the head with an iron bar.

The CA stated that if the offence is a specific intent crime then self-induced automatism can be a defence. This is because the D will lack the necessary mens rea.
If the offence is a basic intent crime then there are 3 possible scenarios that may arise.

I. If the D knows his conduct is likely to bring on an automatic state that is likely to make him aggressive, unpredictable or uncontrolled that may cause injuries to another ... then this is reckless and will satisfy the mens rea.

So D will have no defence of automatism.
2. If self-induced automatism is caused through drink, illegal drugs or other intoxicating substances then this is reckless behaviour (Majewski (1976)) and it will be not available as a defence.

3. If the D does not know his actions are likely to cause self-induced automatism then he has not been reckless and can use the defence of automatism.
The D was depressed because his girlfriend said he had to move out. D took valium that had been prescribed to his girlfriend and set fire to a wardrobe in their flat. D claimed he didn't know what he was doing because of the valium. D was convicted of arson.

The CA quashed D's conviction because he had taken the drug as he believed it would calm him down. the D had therefore not been reckless and the defence of automatism should have been put to the jury.