

Automatism

Two Types of Automatism

- **Insane Automatism**, where the cause of the automatism is a disease of the mind, an internal one within the M'Naughten Rules. In such a case the defence is insanity and the verdict not guilty by reason of insanity.
- **Non-Insane Automatism**, where the cause is an external one. Where such a defence succeeds, it is a complete defence and the defendant is not guilty.

Non-insane automatism: has to be caused by an EXTERNAL factor over which the defendant has no control.

Bratty v Attorney-General for Northern Ireland (1963)

"an act done by the muscles without any control by the mind, such as a spasm, a reflex action or 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"

Some external factors that could be covered by this definition include sneezing, hypnotism, and the unknown effects of a drug or a blow to the head. In the case of **Hill v Baxter (1958)**, a plea of automatism was successful where the defendant had been attacked by a swarm of bees whilst driving.

It has also been the case that exceptional stress can amount to automatism. This was illustrated in the case of **R v T (1990)**, where the defendant stabbed the victim whilst suffering from severe post-traumatic stress disorder. Although the judge allowed the defence, the jury were not convinced and convicted the defendant.

However, this defence has been known to have rather harsh application on times:

CASE: Broome v Perkins (1987) – in this case, the defendant was in a hyperglycaemic state and drove home from work erratically, causing significant damage to his car. He could remember nothing about the journey, but the court held that because it was a familiar journey, someone in his state should have been able to get home safely, because there was evidence that some of his actions could have been voluntarily controlled. Therefore, the defence of automatism was not available.

In order for this defence to be successfully used, it must first of all be distinguished whether the crime in question is one of **specific intent** or **basic intent**. If the defence is proved, then it is a complete defence and the defendant will be free to go.

SPECIFIC INTENT
CRIMES



COMPLETE DEFENCE

BASIC INTENT CRIMES



SELF-INDUCED
AUTOMATISM



Subject to the
exceptions laid out
in ***R v Bailey (1983)***

NON SELF-INDUCED
AUTOMATISM



COMPLETE
DEFENCE

Key Terms

Specific Intent – where the mens rea for a crime is one of intention. Examples include murder and ***s18 Offences Against the Person Act 1861*** which is grievous bodily harm with intent, and for which automatism will be a complete defence.

Basic Intent – where the mens rea for a crime is recklessness or negligence, or a crime of strict liability. Examples include all offences under the ***Offences Against the Person Act 1861***, with the exception of ***s18***, and for which automatism will be a complete defence provided it was not self-induced.

Self-Induced Automatism

Where a person knowingly becomes an automaton, in other words he knows that his actions are likely to bring about an automatic state and he commits a **basic intent** offence, the rules are slightly different. The defence will always be available for **specific intent** crimes because it would be unfair to convict a defendant who does not have the required *mens rea* for an offence.

The rules for self-induced automatism, where a basic intent crime is committed, were laid down in [*R v Bailey \(1983\)*](#). This case outlined that automatism cannot be a defence, where:

- a) The defendant has been reckless in becoming an automaton; or
- b) Where the automatism has been caused by illegal drink or drugs.

Key Case:

R v Bailey (1983) – the defendant was a diabetic who had failed to eat enough after taking his insulin. He became aggressive and hit someone over the head with an iron bar. The court held that the defence of automatism was not available because the defendant was reckless in becoming an automaton.

However, the judge in the case did stipulate that the defence of automatism CAN BE USED where:

- c) The defendant does not know that his actions are likely to result in an automatic state. This is because it cannot be said that the defendant has been reckless in becoming an automaton.

CASE: *R v Hardie (1994)* – the defendant was depressed because of a relationship split, and took some Valium that had been prescribed for his former girlfriend. She encouraged him to take them to calm him down, but unknown to him they had the opposite effect and he set fire to a wardrobe. The judge allowed the defence of automatism because he had not been reckless in getting into that state.

