

OPINION PAPER

Sleep and the Law: Revisited

Alice M Gregory^{1, *}, Ciara Bird¹, JuanJose Madrid-Valero²

¹Department of Psychology, Royal Holloway, University of London

²Department of Human Anatomy and Psychobiology, Faculty of Psychology, University of Murcia, Murcia, Spain.

Abstract

This is a follow-up expert opinion on sleep and the law, summarising the authors contribution at the Roundtable Unconference on Psychology-Law knowledge fusion for real-world challenges that took place at Hult International Business School, London, on 3 December 2025.

In 2024, we published an editorial in *Legal Issues Journal* on sleep and the law. We flagged nine ways in which sleep and the law could be interlinked and called for further discussion and interdisciplinary research in this area. Topics included:

1. Sleep deprivation contributing to criminal behaviour following emotional outbursts or failures (e.g., falling asleep when engaged in an activity where vigilance is crucial).
2. Legal obligations to disclose specific sleep disorders that could potentially put others at risk (e.g., undisclosed sleep apnoea causing a crash).

*Corresponding author: Alice.Gregory@rhul.ac.uk

Author notes:

Alice Gregory, Professor of Psychology. Sleep expert. Author of *Nodding Off: The Science of Sleep from Cradle to Grave*.

Ciara Bird, Barrister, MSc (Dist) - UCL, Registered Psychotherapist (UKCP). Counselling Psychologist in Training (DCPsych).

JuanJose Madrid-Valero, Professor of Psychology.

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3. Legal responsibilities of employers to keep employees safe (e.g., long shifts and shift work causing employee harm).
4. Disability law protecting those with certain sleep disorders.
5. Early school start times for children and associated challenges covered by education law.
6. Sleep as a fundamental human right (with legal implications for housing, homelessness and detention).
7. Sleep disorders (e.g., sexomnia and confusional arousals) presented as a defence in criminal proceedings.
8. Sleep impacting eye-witness testimony accuracy (given established links between sleep and memory).
9. Sleep impacting sentencing (e.g., disrupted sleep in judges associated with harsher sentences).

Our call for interdisciplinary discussion was met with an invitation to contribute to the Psychology-Law knowledge fusion at Hult International Business School in December 2025, providing impetus for this update. Considering how the world has changed since our review was published, we now consider additional lines of research.

Since our last editorial, international conflict has increased. People around the world have been displaced from their homes or live in war-torn conditions, making restorative sleep challenging. As allegations of war crimes are considered in international courts, the relevance of prolonged and foreseeable sleep deprivation impacting civilian populations should be considered under international humanitarian law, as should sleep deprivation if used as a form of torture.

Large prison populations have received attention from the current UK Government. Within prisons, the shiftwork required by prison staff warrants legal consideration, as does the sleeping conditions of prisoners. Restorative sleep can support day-time functioning, reduce emotional outbursts and aid personal development and rehabilitation. Victims of crime (and prisoners alike) can also be at high risk for mental health challenges such as post-traumatic stress disorder, which can involve distressing dreams related to trauma as well as sleep disturbance.

An increased shortage of good-quality housing could also result in more people living in damp, temperature-unregulated or overcrowded conditions, with negative consequences for sleep: a scenario that could hold implications for tort law.

Society has also seen a shift in children's use of smartphones, social media and other digital platforms, with campaigns to reduce childhood use. Where sleep disruption has been flagged as a potential harm, this topic may be increasingly included in legal action.

Other points worthy of consideration concern attempts to resolve sleep challenges which have, in some cases, led to illegal behaviour such as the purchase and use of cannabis (or other illegal drugs). This could bring typically law-abiding citizens into contact with the criminal justice system. Sleep could enter family law if housing conditions offered by a parent could impact sleep and have associated consequences for children. Furthermore, children with certain disabilities (such as type 1 diabetes) could be

particularly likely to experience sleep disruption. Consequently, they might struggle to arrive at school on time, which could hold implications at the interface between disability and education law.

As the relevance of sleep for the law becomes clearer, the requirement for sleep experts to advise lawyers pre-trial as well as to act as expert witnesses in relevant cases will likely increase. Training is now essential to support sleep experts who are keen to contribute to legal cases but lack legal expertise. We predict that sleep experts might play an increased role in the legal system as the role of sleep in legal cases becomes clearer.