



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VI

MENTAL DISORDER

[^{F1}Diminished responsibility

Textual Amendments

- F1** Ss. 51A, 51B and cross-headings inserted (with application in accordance with art. 3 of the commencing S.S.I.) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 168, 206(1)**; [S.S.I. 2012/160, art. 3, sch.](#) (with [art. 4](#))

51B Diminished responsibility

- (1) A person who would otherwise be convicted of murder is instead to be convicted of culpable homicide on grounds of diminished responsibility if the person's ability to determine or control conduct for which the person would otherwise be convicted of murder was, at the time of the conduct, substantially impaired by reason of abnormality of mind.
- (2) For the avoidance of doubt, the reference in subsection (1) to abnormality of mind includes mental disorder.
- (3) The fact that a person was under the influence of alcohol, drugs or any other substance at the time of the conduct in question does not of itself—
 - (a) constitute abnormality of mind for the purposes of subsection (1), or
 - (b) prevent such abnormality from being established for those purposes.
- (4) It is for the person charged with murder to establish, on the balance of probabilities, that the condition set out in subsection (1) is satisfied.
- (5) In this section, “conduct” includes acts and omissions.]

Status:

Point in time view as at 26/12/2023.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Cross Heading: Diminished responsibility is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.