



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 2

#### CRIMINAL OFFENCES

#### CHAPTER 1

##### MURDER, INFANTICIDE AND SUICIDE

##### *Partial defence to murder: diminished responsibility*

### 52 Persons suffering from diminished responsibility (England and Wales)

- (1) In section 2 of the Homicide Act 1957 (c. 11) (persons suffering from diminished responsibility), for subsection (1) substitute—

“(1) A person (“D”) who kills or is a party to the killing of another is not to be convicted of murder if D was suffering from an abnormality of mental functioning which—

- (a) arose from a recognised medical condition,
- (b) substantially impaired D's ability to do one or more of the things mentioned in subsection (1A), and
- (c) provides an explanation for D's acts and omissions in doing or being a party to the killing.

(1A) Those things are—

- (a) to understand the nature of D's conduct;
- (b) to form a rational judgment;
- (c) to exercise self-control.

(1B) For the purposes of subsection (1)(c), an abnormality of mental functioning provides an explanation for D's conduct if it causes, or is a significant contributory factor in causing, D to carry out that conduct.”

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Coroners and Justice Act 2009, Cross Heading: Partial defence to murder: diminished responsibility is up to date with all changes known to be in force on or before 14 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. (See end of Document for details)*

- (2) In section 6 of the Criminal Procedure (Insanity) Act 1964 (c. 84) (evidence by prosecution of insanity or diminished responsibility), in paragraph (b) for “mind” substitute “ mental functioning ”.

**Commencement Information**

**I1** S. 52 in force at 4.10.2010 by S.I. 2010/816, art. 5(a)

**53 Persons suffering from diminished responsibility (Northern Ireland)**

- (1) Section 5 of the Criminal Justice Act (Northern Ireland) 1966 (c. 20) (effect, in cases of homicide, of impaired mental responsibility) is amended as follows.

- (2) For subsection (1) substitute—

“(1) A person (“D”) who kills or is a party to the killing of another is not to be convicted of murder if D was suffering from an abnormality of mental functioning which—

- (a) arose from a recognised mental condition,
- (b) substantially impaired D's ability to do one or more of the things mentioned in subsection (1A), and
- (c) provides an explanation for D's acts and omissions in doing or being a party to the killing.

(1A) Those things are—

- (a) to understand the nature of D's conduct;
- (b) to form a rational judgment;
- (c) to exercise self-control.

(1B) For the purposes of subsection (1)(c), an abnormality of mental functioning provides an explanation for D's conduct if it causes, or is a significant contributory factor in causing, D to carry out that conduct.

(1C) Where, but for this section, D would be liable, whether as principal or as accessory, to be convicted of murder, D is liable instead to be convicted of manslaughter.”

- (3) In subsection (2), for “subsection (1)” substitute “ subsection (1C) ”.

- (4) In subsections (4) and (5), for “mental abnormality” substitute “ abnormality of mental functioning ”.

**Commencement Information**

**I2** S. 53 in force at 1.6.2011 for N.I. by S.R. 2011/182, art. 3(a)

**Status:**

Point in time view as at 31/01/2017.

**Changes to legislation:**

Coroners and Justice Act 2009, Cross Heading: Partial defence to murder: diminished responsibility is up to date with all changes known to be in force on or before 14 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.