

## Diminished Responsibility

Special defence available for a charge of murder

Partial defence reducing conviction to voluntary manslaughter

- On basis that should not be held liable to standard of 'normal' person because of their medical condition

Mentally ill HW/VR not insane

- B.o.P: "balance of probabilities"

Introduced + fully codified in: Homicide Act 1957 s2

Amended: Coroners + Justice Act 2009 s52

- Should still refer to s2 HA57
- General safety valve for culpable killings that are not 'murder'

Pre C&JA 2009

Include abused women + mercy killers

- Current law: only in cases where suffer from recognised medical condition

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### ★ CURRENT DR DEFENCE SET OUT (AS SUBSTITUTED) IN s2 HA 1957

**2(1)** D who kills / party to killing is not to be convicted of M if suffering from an **abnormality of mental functioning** which -

- a. Arose from a **recognized medical condition**
- b. **Substantially impaired D's ability** to do 1/more things mentioned in subsection (1A):
  - (i) To understand nature of D's conduct;
  - (ii) To form a rational judgement;
  - (iii) To exercise self-control
- c. Abnormality provides an **explanation (/cause)** for D's acts/omissions in doing / party to killing

**Homicide Act 1957 s2(1)**

**Coroners + Justice Act 2009 s57**

# Diminished Responsibility

**Brendan G. Carr**



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