Criminal Justice Act (Northern Ireland) 1966

1966 CHAPTER 20

PART II

HOMICIDE AND SUICIDE

5 Effect, in cases of homicide, of impaired mental responsibility.

[[F1](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.**]**

(2) Where a person is found guilty of manslaughter under **[**[F2]subsection (1C)**]**, the powers of the court to make a hospital order**[**[F3] Article 44 of the Mental Health (Northern Ireland) Order 1986 may be exercised as if the condition mentioned in paragraph (2)(a) of that Article were fully satisfied and as if in paragraph (7) of that Article the words "upon the evidence taken into account under that sub-paragraph" and the words

from "and no such order" to the end were omitted; and where any such hospital order is made, the court shall make a restriction order under Article 47 in respect of that person**]**, but nothing in this section shall restrict the powers of the court to sentence that person for the offence of manslaughter of which he is found guilty.

(3) On a charge of murder, it shall be for the defence to prove that the person charged is by virtue of this section not liable to be convicted of murder; but the prosecution, with the leave of the court, may assume the burden of such proof and proceed accordingly subject to any directions which may be given by the court as to the stage of the proceedings at which the prosecution may adduce or elicit evidence tending to such proof.

(4) Proof shall be sufficient to reduce, under this section, a verdict of murder to one of manslaughter if it satisfies the jury that, on the balance of probabilities, the accused was suffering from **[**[F4]abnormality of mental functioning**]** of the kind referred to in subsection (1).

(5) Where on a charge of murder the jury reject the plea that the person charged was an insane person, they may find him to be a person suffering from **[**[F5]abnormality of mental functioning**]** of the kind referred to in subsection (1).

(6) The fact that one party to a killing is by virtue of this section not liable to be convicted of murder shall not affect the question whether the killing amounted to murder in the case of any other party to it.

F1 S. 5(1)-(1C) substituted (1.6.2011) for s. 5(1) by Coroners and Justice Act 2009 (c. 25), **ss. 53(2)**, 182(5) (with savings in s. 180); S.R. 2011/182, **art. 3(a)**

F2 Words in s. 5(2) substituted (1.6.2011) by Coroners and Justice Act 2009 (c. 25), **ss. 53(3)**, 182(5) (with savings in s. 180); S.R. 2011/182, **art. 3(a)**

F3 1986 NI 4

F4 Words in s. 5(4) substituted (1.6.2011) by Coroners and Justice Act 2009 (c. 25), **ss. 53(4)**, 182(5) (with savings in s. 180); S.R. 2011/182, **art. 3(a)**

F5 Words in s. 5(5) substituted (1.6.2011) by Coroners and Justice Act 2009 (c. 25), **ss. 53(4)**, 182(5) (with savings in s. 180); S.R. 2011/182, **art. 3(a)**

6 Unlawful killing while under voluntary intoxication.

Where on a charge of murder the jury find that the person charged killed or was a party to the unlawful killing of another but are satisfied that, on the balance of probabilities, he was, at the time of such killing, an insane person whose mental abnormality was of a temporary nature and attributable solely to his own voluntary conduct in taking intoxicating liquor or drugs, he shall be convicted of manslaughter:

Provided, however, that if the jury are satisfied beyond reasonable doubt that, immediately before he took such liquor or drugs, he had the intention to kill or cause serious bodily harm to the person killed, he shall be convicted of murder.

7 Provocation in cases of homicide.

[F6] . . . . . .

F6 S. 7 repealed (1.6.2011) by Coroners and Justice Act 2009 (c. 25), ss. 56(2)(b), 178, 182(5), **Sch. 23 Pt. 2** (with savings in s. 180); S.R. 2011/182, **art. 3(d)(g)**

8 Abolition of "constructive malice" in killings in course or furtherance of other offences.

Where a person kills another—

(a) in the course or furtherance of some other offence; or

(b) in the course or for the purpose of resisting an officer of justice, or of resisting or avoiding or preventing a lawful arrest, or of effecting or assisting an escape or rescue from legal custody;

the killing shall not be murder unless done with the same malice aforethought (express or implied) as is required for a killing to amount to murder in other cases.

S. 9 rep. by 1968 c. 34 (NI); 1973 c. 53

Ss. 10, 11 rep. by 1973 c. 53

12 Suicide to cease to be a crime.

Notwithstanding any rule of law to the contrary (but without prejudice to sections **[**[F7]13 to 14**]**) it shall no longer be an offence for a person to commit suicide.

F7 Words in s. 12 substituted (1.2.2010) by Coroners and Justice Act 2009 (c. 25), ss. 177(1), 182(5), **Sch. 21 para. 56** (with savings in s. 180); S.I. 2010/145, **art. 2(2)**, Sch. paras. 18(a), 25(a)

13 Criminal liability for complicity in another's suicide.

[[F8](1) A person ("D") commits an offence if—

(a) D does an act capable of encouraging or assisting the suicide or attempted suicide of another person, and

(b) D's act was intended to encourage or assist suicide or an attempt at suicide.

(1A) The person referred to in subsection (1)(a) need not be a specific person (or class of persons) known to, or identified by, D.

(1B) D may commit an offence under this section whether or not a suicide, or an attempt at suicide, occurs.

(1C) An offence under this section is triable on indictment and a person convicted of such an offence is liable to imprisonment for a term not exceeding 14 years.**]**

(2) If on the trial of an indictment for murder or manslaughter **[**[F9]of a person it is proved that the deceased person committed suicide, and the person charged committed an offence under subsection (1) in relation to that suicide, the jury may find the person charged guilty of the offence under subsection (1).**]**

Subs. (3) rep. by 1968 c. 34 (NI)

Subs. (4) amends s. 18 of 1959 c. 15 (NI)

(5) If any person is charged before a magistrates' court with an offence under this section …[F10] further proceedings shall not be instituted or continued against him except by or with the consent of the Attorney-General.

F8 S. 13(1)-(1C) substituted (1.2.2010) for s. 13(1) by Coroners and Justice Act 2009 (c. 25), **ss. 60(2)**, 182(5) (with savings in s. 180 and transitional, transitory and savings provisions in Sch. 22); S.I. 2010/145, **art. 2(2)**, Sch. para. 3

F9 Words in s. 13(2) substituted (1.2.2010) by Coroners and Justice Act 2009 (c. 25), **ss. 60(3)**, 182(5) (with savings in s. 180 and transitional, transitory and savings provisions in Sch. 22); S.I. 2010/145, **art. 2(2)**, Sch. para. 3

F10 1975 c.59

Modifications etc. (not altering text)

C1 S. 13 applied (1.2.2010) by Coroners and Justice Act 2009 (c. 25), ss. 61, 182(5), **Sch. 12 para. 2** (with savings in s. 180 and transitional, transitory and savings provisions in Sch. 22); S.I. 2010/145, **art. 2(2)**, Sch. paras. 4, 22

[F11[F11 13A Acts capable of encouraging or assisting

(1) If D arranges for a person ("D2") to do an act that is capable of encouraging or assisting the suicide or attempted suicide of another person and D2 does that act, D is also to be treated for the purposes of section 13 as having done it.

(2) Where the facts are such that an act is not capable of encouraging or assisting suicide or attempted suicide, for the purposes of section 13 and this section it is to be treated as so capable if the act would have been so capable had the facts been as D believed them to be at the time of the act or had subsequent events happened in the manner D believed they would happen (or both).

(3) A reference in section 13 or this section to a person ("P") doing an act that is capable of encouraging the suicide or attempted suicide of another person includes a reference to P doing so by threatening another person or otherwise putting pressure on another person to commit or attempt suicide.**]**

F11 Ss. 13A, 13B inserted (1.2.2010) by Coroners and Justice Act 2009 (c. 25), **ss. 60(4)**, 182(5) (with savings in s. 180 and transitional, transitory and savings provisions in Sch. 22); S.I. 2010/145, **art. 2(2)**, Sch. para. 3

13B Course of conduct

A reference in section 13 or 13A to an act includes a reference to a course of conduct, and a reference to doing an act is to be read accordingly.**]**

F11 Ss. 13A, 13B inserted (1.2.2010) by Coroners and Justice Act 2009 (c. 25), **ss. 60(4)**, 182(5) (with savings in s. 180 and transitional, transitory and savings provisions in Sch. 22); S.I. 2010/145, **art. 2(2)**, Sch. para. 3

14 Suicide pacts.

(1) It shall be manslaughter, and shall not be murder, for a person acting in pursuance of a suicide pact between him and another to kill the other or be a party to the other being killed by a third person.

(2) Where it is shown that a person charged with the murder of another killed the other or was a party to his being killed, it shall be for the defence to prove that the person charged was acting in pursuance of a suicide pact between him and the other: and the standard of proof required for the purpose shall be that of proof beyond a reasonable doubt.

(3) For the purposes of this section "suicide pact" means a common agreement between two or more persons having for its object the death of all of them, whether or not each is to take his own life, but nothing done by a person who enters into a suicide pact shall be treated as done by him in pursuance of the pact unless it is done while he has the settled intention of dying in pursuance of the pact.

Changes to legislation:
There are currently no known outstanding effects for the Criminal Justice Act (Northern Ireland) 1966, PART II.