



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 2 **E+W+N.I.**

CRIMINAL OFFENCES

CHAPTER 1 **E+W+N.I.**

MURDER, INFANTICIDE AND SUICIDE

Partial defence to murder: diminished responsibility

53 **Persons suffering from diminished responsibility (Northern Ireland) **E+W****

(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.

Changes to legislation: There are currently no known outstanding effects for the Coroners and Justice Act 2009, Section 53. (See end of Document for details)

(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

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

Changes to legislation:

There are currently no known outstanding effects for the Coroners and Justice Act 2009, Section 53.