



# Homicide Act 1957

1957 CHAPTER 11 5 and 6 Eliz 2

## PART I

AMENDMENTS OF LAW OF ENGLAND AND WALES AS TO FACT OF MURDER

### 2 **Persons suffering from diminished responsibility.**

[<sup>F1</sup>(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.]

- (2) 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.
- (3) A person who but for this section would be liable, whether as principal or as accessory, to be convicted of murder shall be liable instead to be convicted of manslaughter.
- (4) 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.

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*Changes to legislation: There are currently no known outstanding effects  
for the Homicide Act 1957, Section 2. (See end of Document for details)*

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**Textual Amendments**

- F1** S. 2(1)-(1B) substituted (4.10.2010) for s. 2(1) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 52(1), 182(5)** (with s. 180, Sch. 22 para. 7); S.I. 2010/816, art. 5(a)

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There are currently no known outstanding effects for the Homicide Act 1957, Section 2.