

## 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 HWVR 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

**Iwan Bloch**



## **Diminished Responsibility:**

Loss of Control and Diminished Responsibility Alan Reed, 2016-04-22 This book provides a leading point of reference in the field of partial defences to murder and with respect to the mental condition defences of loss of control and diminished responsibility in general The work includes contributions from leading specialists from different jurisdictions Divided into two parts the first provides an analysis from the perspective of the UK looking at particular concerns such as domestic violence revenge and mixed motive killings mistaken beliefs The second part presents a comparative and international view to provide a wider background of how alternative systems treat issues of human frailty short of full insanity loss of control diminished responsibility in the context of the criminal law **Murder, Manslaughter and Infanticide** Great Britain: Law

Commission, 2006-11-29 A Law Commission consultation paper A new homicide act for England and Wales was published as LCCP 177 ISBN 0117302643 in April 2006 **Manifest Madness** Arlie Loughnan, 2012-04-19 Bringing together previously disparate discussions on criminal responsibility from law psychology and philosophy this book provides a close study of mental incapacity defences tracing their development through historical cases to the modern era **The sexual life of our time: a complete encyclopaedia of the sexual** Iwan Bloch, 1937 The Sexual Life of Our Time in Its Relation to Modern Civilization Iwan Bloch, 1914 **The Sexual Life of Our Time in Its Relations to Modern Civilization** Iwan Bloch, 1909

*People v. Carpenter*, 464 MICH 223 (2001), 2001 115617 The Practice of the International Criminal Tribunals for the Former Yugoslavia and Rwanda John R. W. D. Jones, 2000 It is crucial to the pedagogical role of the ICTFY the ICTR that their Judgements Decisions be as widely diffused as possible This task John Jones Practice of the International Criminal Tribunals for the Former Yugoslavia Rwanda performs superbly Antonio Cassese President ICTFY This book is an in depth guide to the case law of both the ICTFY the ICTR The cases arranged according to the relevant provisions of the Statute Rules of Procedure Evidence are each presented with commentary followed by extracts from the Tribunals decisions Rules that have been amended are noted with dates the reason for amendment With copious material of the two tribunals organized in a manageable way for quick reference this book is a wholly original contribution to the field of international criminal law

Crime and Insanity William Charles Sullivan, 1924 *Gerichtliche Psychiatrie* *California. Court of Appeal (4th Appellate District). Division 2. Records and Briefs* California (State)., Number of Exhibits 1 **California. Court of Appeal (2nd Appellate District). Records and Briefs** California (State)., *People v. Savioe*, 419 MICH 118 (1984), 1984 66139

*United States of America V. Rosenheimer*, 1986 **Wharton and Stillé's Medical Jurisprudence** Francis Wharton, Moreton Stillé, 1882 **Archives of Neurology and Psychiatry**, 1929 *A Treatise on Mental Unsoundness* Francis Wharton, 1882 **PEOPLE OF THE STATE OF MICHIGAN V BRUCE O. RAMSEY; PEOPLE OF THE STATE OF MICHIGAN V GARY JEROME BOYD**, 422 MICH 500 (1985), 1985 67269 Wharton and Stille's Medical Jurisprudence Francis Wharton, 1873 The Practitioner, 1913 **Principles of Political Economy** Thomas Nixon

Carver, 1919

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