



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 2

#### CRIMINAL OFFENCES

#### CHAPTER 1

#### MURDER, INFANTICIDE AND SUICIDE

#### *Partial defence to murder: diminished responsibility*

### 53 Persons suffering from diminished responsibility (Northern Ireland)

(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.

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**Changes to legislation:** Coroners and Justice Act 2009, Section 53 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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(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 ”.

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**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:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)