

Within this essay, the writer will discuss the changes that the Coroners and Justice Act (2009) made to the defence of diminished responsibility, and potentially the reasons it had behind in doing so. She will be comparing the advantages and disadvantages of the changes that they made to the initial defence of Diminished responsibility. To start the essay off it is evident that she will be discussing what is the role of the coroners and justice act and get across what they do and why they are involved with the diminished responsibility. To further this, she also would like to discuss the requirements that are needed for diminished responsibility under the Homicide Act 1957. Towards the end of this essay, she will discuss how the Coroners and Justice Act managed to change the law, and if certain areas could potentially reform moving forward within this area of law. In the conclusion, she will bring all the pieces of information that I have gathered and the similarities, differences and pro and cons of the evidence and whether there is valid statistics or information points to prove about whether that the changes that the Coroners and Justice Act made to the defence of diminished responsibility made a difference for the best or the worst.

The Coroners and Justice Act 2009 is in place to create a more effective and pellucid system to help bereaved victims with their families. There were changes to legislation with the partial defence to murder as it replaces a new section with a more modern one. The Coroners and Justice act has many aims by creating a more effective justice system the criminal law will be updated and there should be a more “consistent and transparent sentencing framework” having the system more consistent there will be a higher chance for the bereaving families to gain their justice and have it granted to them however, on the other side there will be a significant improvement on how quick they seem to be acting upon their word to change the system for the best. Granting justice to grieving families and then trialling and prosecuting offenders more effectively will see an increase in the system where the government believes that there is a programme that could be put in place to improve its efficiency in doing so. Diminished responsibility is a partial defence to murder meaning if an individual was told by the doctor that they were suffering from an abnormal ability of mental functioning to a point where they have no control over their actions they can be deemed by the jury if they accept and they will reduce the murder charge to a manslaughter. The definition of Diminished responsibility is highlighted in the case of *R v Cobley* (2021). Diminished responsibility was changed for several reasons; however, how did they manage? Upon researching a journal article Dell and Smith, (1983) it states that what changes from individuals having and being convicted of manslaughter but instead of the population of being convicted it was the pattern of treatment.

According to Veiligheid (2016), some goals can be done to improve the criminal justice system to be overall more efficient “the procedure for making a criminal complaint must be done in an easier form with more consideration towards their victims and their families.” The coroners and justice activists are also involved with

diminished responsibility which in other terms diminished responsibility is a defence to murder. Therefore, you would think why the diminished responsibility has to do with the Coroners and Justice Act, upon research, diminished responsibility is amended by the coroners and justice act 2009 under the homicide act after hearing medical evidence the jury will decide whether the defendant is suffering from an abnormality of mental functioning. After some careful research, there is a report which states what changes were done to the diminished responsibility by the Justice and coroners act. The changes that were made to diminished responsibility were that it gave the effect of reducing a murder conviction to manslaughter. The definition of manslaughter is highlighted in the case of R v Mitchell (1983)

The changes were made is because of the reason being that the old partial defence to murder was old therefore having it made more modern there will be a higher chance of it being more understanding however, the defence still must prove the partial defence to which it applies as mentioned if the medical doctor has stated a medical condition on the offence then it'll be a general defence which depends on the crime to reduce criminal liability.

The changes that the justice and coroners act positively made to diminished responsibility provide a frame line that it is up to the "jury to decide if the offender's culpability is substantially reduced" this gives another option if the accused was charged with murder, then it would be a mandatory life sentence. The disadvantage of applying diminished responsibility towards a Defendants prison time is that family members when grieving the defendant can use diminished responsibility in their own time to lessen their conviction which does not then give the family justice towards the loss of one of their own. The coroners and justice system had a plan where they would strive for an aim where they would change the old framework and replace it with a more new, modern one for example for the coroner's services to be delivered at a higher national standard, but they all enabled a more efficient system for themselves to use for investigations and inquests. (Media, n.d.)

This information shows that this can be considered quite contradictory. There is a major difference between the advantage and the disadvantage as one can help the defendant with their time in prison but not give enough justice to families however on the other hand the jury decides if the defendant was in the right or wrong but if it was their fault then it will be a mandatory life sentence. The coroners and Justice act (2009) changed the law to make it more transparent and provide and deliver more justice to bereaving families and members of the public, however, how did they change it? Under Section 52 of the 2009 act the changes to the law of homicide it was changed as a partial defence to murder however, it acts as a partial defence to the murder of diminished responsibility. After doing some research, I found a government website where it states certain areas that could be reformed based on this area of law within the coroners and justice act (2009). It states that realistically "the coroner reforms are operating as planned and whether there have been any unintended consequences" This shows to me that after updating the system to make

it more professional and transparent they potentially need to check if the system is operating as it is meant to be doing and if not if there have been complaints from the publication that have arisen. According to this website, it states that "Coroners are no longer able to consider criminal liability" I can see that this is going to be an arising issue because after the act had changed criminal liability is no longer able to be determined under any status of a victim. CPS (2017) Furthermore, you can determine from this information that there is an area that could potentially reform moving forward within this area of law because changing it may be beneficial however there are certain aspects where it can be detrimental as views from the publication that even though it can give justice to bereaving families these defendants can use diminished responsibility as a defence to lessen their conviction as mentioned above whether this then will not provide justice towards to suffering victim's family. Using diminished responsibility as it acts as a partial defence to murder if the accused committed a murder offence but was confirmed by why doctor that he was suffering from an abnormality of mental functioning that they had no control over their action, if the jury accepts this depending on his report of this then the charge which was initially murder will be significantly dropped to voluntary manslaughter Justice, (2015).

To conclude this essay after all my findings and analysis that I have recovered that there are advantages and disadvantages of the new transparent sentencing framework with the changes link from the coroner's and justice act made to the defence of diminishes responsibility. From the information that I have come across, there are valid points to believe that changes that the coroner's and justice act made to the defence of diminished responsibility made a positive difference as more points are coming from a publication that grieving families receive their justice over a defendant using diminished responsibility to lower their sentence for example with an abnormality of mental functioning if confirmed by a doctor then the charged offence will be lowered. My valid statistics have proven there are more advantages weighing over the disadvantages because the old system was not understanding enough therefore having it changed can provide a more stabilised and better performance structure.

Word count 1,519

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R v Cobley (2021)

R v Mitchel (1983)