

Introductory Note by FB

The article below is a further addition to my writings on assisted suicide. Others are included within the Topic 'Suicide Act 1961'. The Topic can be found on this website at www.francisbennion.com/topic/suicideact1961.htm

Letter in Criminal Law and Justice Weekly

Letter of the Week

Letter to the Editor

Dear Sir,

DPP and Suicide Act: Distinction between discretion and judgment

In his piece on assisted suicide (p. 544 *ante*) John Cooper refers to 'the discretion, vested in the DPP as to whether any criminal action is brought . . .' May I draw attention to the passage in my article '[Assisted Suicide: A Constitutional Change](#)'¹ (pp. 519-523, *ante*) which states that it is incorrect to say that the Suicide Act 1961 s. 2(1) confers on the DPP a discretion when it is in fact a duty to exercise judgment. The article draws attention to the important distinction between discretion and judgment, citing *Bennion on Statutory Interpretation* (5th edn 2008), pp. 123-129.

Yours faithfully,

Francis Bennion

¹ See <http://www.francisbennion.com/2009/028.htm>.