

Statement by Francis Bennion on new assisted suicide guidelines

As foreshadowed in my recent article (['Assisted Suicide: Will Mr Starmer QC Obey the Law?', 174 CL&J \(13 Feb 2010\) 90](#)), certain of the DPP's new permanent guidelines on assisted suicide (issued by the DPP, Keir Starmer QC, in February 2010) are unlawful under British law and also infringe the right to life provisions of the European Convention on Human Rights. The power to issue them is conferred by the Suicide Act 1961, section 2(1) of which makes it an offence punishable with 14 years imprisonment to assist suicide.

The DPP's new policy names six factors which he says will make a prosecution less likely. These include three that are unlawful: (1) the victim had already decided to commit suicide, (2) the suspect was motivated by compassion, and (5) the suspect helped only reluctantly. Parliament did not intend these to be factors against prosecuting. Does the DPP refrain from prosecuting a burglar because he pitied his victim or acted reluctantly only because he was hard up?

As the Court of Appeal said in the Purdy case, 'The DPP cannot dispense with or suspend the operation of s. 2(1) of the 1961 Act'. The statement by the DPP that the inclusion of these guidelines 'does nothing to change the law' is incorrect. It seems likely that some interested party will apply to have these unlawful guidelines quashed on judicial review.

1 March 2010.