

*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](http://www.francisbennion.com/topic/suicideact1961.htm)

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## 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](#)'<sup>1</sup> (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*

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