

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 *Daily Telegraph*
Assisted suicide

Lord Falconer argues that the Director of Public Prosecution's new guidelines should provide that in the case of assisted suicide "the compassionate assister shouldn't be prosecuted" (report, September 12). Similarly, Lord Phillips of Worth Matravers, President of the new Supreme Court, believes the DPP is "expected to provide indemnity against prosecution to those who help, in good faith, their loved ones to die" (report, September 11).

As a retired parliamentary draftsman I would point out that it is not possible for the DPP to issue such guidelines. They would contravene the relevant enactment, section 2(1) of the Suicide Act 1961. This clearly states that it is a criminal offence to aid or abet the suicide, or attempted suicide, of any person. There is no let out for compassion or good faith.

In issuing new guidelines regarding prosecution policy, the DPP has no power to change what the Act says. On the contrary his duty is loyally to enforce the Act.

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