

CRIMINAL PROCEDURE (INSANITY) ACT 1964

5. Powers to deal with persons not guilty by reason of insanity or unfit to plead etc

- (1) This section applies where-
- (a) a special verdict is returned that the accused is not guilty by reason of insanity; or
 - (b) findings are recorded that the accused is under a disability and that he did the act or made the omission charged against him.
- (2) Subject to subsection (3) below, the court shall either-
- (a) make an order that the accused be admitted, in accordance with the provisions of Schedule 1 to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991, to such hospital as may be specified by the Secretary of State; or
 - (b) where they have the power to do so by virtue of section 5 of that Act, make in respect of the accused such one of the following orders as they think most suitable in all the circumstances of the case, namely-
 - (i) a guardianship order within the meaning of the Mental Health Act 1983;
 - (ii) a supervision and treatment order within the meaning of Schedule 2 to the said Act of 1991; and
 - (iii) an order for his absolute discharge.
- (3) Paragraph (b) of subsection (2) above shall not apply where the offence to which the special verdict or findings relate is an offence the sentence for which is fixed by law.

6. Evidence by prosecution of insanity or diminished responsibility

Where on a trial for murder the accused contends-

- (a) that at the time of the alleged offence he was insane so as not to be responsible according to law for his actions; or
- (b) that at that time he was suffering from such abnormality of mind as is specified in subsection (1) of section 2 of the Homicide Act 1957 (diminished responsibility),

the court shall allow the prosecution to adduce or elicit evidence tending to prove the other of those contentions, and may give directions as to the stage of the proceedings at which the prosecution may adduce such evidence.