

## SCHEDULES

### SCHEDULE 3

Section 7.XXXX

#### MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 (1) In subsection (2) of section 8 of the 1964 Act (short title, interpretation etc.), immediately before the definition of “special verdict” there shall be inserted the following definitions—
- ““duly approved” in relation to a registered medical practitioner, means approved for the purposes of section 12 of the Mental Health Act 1983 by the Secretary of State as having special experience in the diagnosis or treatment of mental disorder;
- “registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983;”.
- (2) After that subsection there shall be inserted the following subsection—
- “(2A) Subsections (2) and (3) of section 54 of the Mental Health Act 1983 shall have effect with respect to proof of the accused’s mental condition for the purposes of section 4 of this Act as they have effect with respect to proof of an offender’s mental condition for the purposes of section 37(2)(a) of that Act.”
- 2 In section 15(1) of the 1968 Act (right of appeal against finding of disability), for the words from “a finding” to the end there shall be substituted the words “findings that he is under a disability and that he did the act or made the omission charged against him, the person may appeal to the Court of Appeal against either or both of those findings”.
- 3 In subsection (1) of section 16 of the 1968 Act (disposal of appeal under section 15)
- (a) after the words “an appeal under section 15 of this Act” there shall be inserted the words “against a finding that the appellant is under a disability or that he did the act or made the omission charged against him”;
- (b) for the words “the question of fitness to be tried” there shall be substituted the words “the relevant question”; and
- (c) the words “(except one to which subsection (2) below applies)” shall cease to have effect.
- (2) Subsection (2) of that section shall cease to have effect.
- (3) For subsection (3) of that section there shall be substituted the following subsections—
- “(3) Where the Court of Appeal allow an appeal under section 15 of this Act against a finding that the appellant is under a disability—
- (a) the appellant may be tried accordingly for the offence with which he was charged; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) the Court may make such orders as appear to them necessary or expedient pending any such trial for his custody, release on bail or continued detention under the Mental Health Act 1983;
- and Schedule 3 to this Act has effect for applying provisions in Part III of that Act to persons in whose case an order is made by the Court under this subsection.
- (4) Where, otherwise than in a case falling within subsection (3) above, the Court of Appeal allow an appeal under section 15 of this Act against a finding that the appellant did the act or made the omission charged against him, the Court shall, in addition to quashing the finding, direct a verdict of acquittal to be recorded (but not a verdict of not guilty by reason of insanity).”
- 4 In section 17(1) of the 1968 Act (reference by Home Secretary), after the words “found by a jury to be under a disability” there shall be inserted the words “and to have done the act or made the omission charged against him”.
- 5 (1) In subsection (1) of section 51 of the 1968 Act (interpretation)—
- (a) after the definition of “the defendant” there shall be inserted the following definition—
- ““duly approved”, in relation to a registered medical practitioner, means approved for the purposes of section 12 of the Mental Health Act 1983 by the Secretary of State as having special experience in the diagnosis or treatment of mental disorder;”;
- (b) after the definition of “the judge of the court of trial” there shall be inserted the following definition—
- ““registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983;”.
- (2) After subsection (2) of that section there shall be inserted the following subsection—
- “(2A) Subsections (2) and (3) of section 54 of the Mental Health Act 1983 shall have effect with respect to proof of the appellant’s mental condition for the purposes of section 6, 14 or 14A of this Act as they have effect with respect to proof of an offender’s mental condition for the purposes of section 37(2) (a) of that Act.”
- 6 In section 81(1A) of the Supreme Court Act 1981 (bail), for the words “finding of disability” there shall be substituted the words “findings that the accused is under a disability and that he did the act or made the omission charged against him”.
- 7 In section 16(4)(a) of the Prosecution of Offences Act 1985 (defence costs), for sub-paragraph (iii) there shall be substituted the following sub-paragraph—
- “(iii) a finding under the Criminal Procedure (Insanity) Act 1964 that the appellant is under a disability, or that he did the act or made the omission charged against him;”.
- 8 In section 19(3) of the Prosecution of Offences Act 1985 (provision for orders as to costs in other circumstances), after paragraph (c) there shall be inserted the following paragraph—
- “(d) to cover the proper fee or costs of a person appointed by the Crown Court under section 4A of the Criminal Procedure (Insanity) Act 1964 to put the case for the defence.”