

## SCHEDULES

### SCHEDULE 3

#### MINOR AND CONSEQUENTIAL AMENDMENTS

- 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
  - (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).”