



Criminal Procedure (Insanity and Unfitness to Plead) Act 1991

1991 CHAPTER 25

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

For section 5 of the 1964 Act there shall be substituted the following section—

“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.”