



Criminal Cases Review (Insanity) Act 1999

1999 CHAPTER 25

An Act to make provision enabling verdicts of guilty but insane to be referred to and reviewed by the Court of Appeal. [27th July 1999]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Reference of former verdict of guilty but insane

- (1) Where a verdict was returned in England and Wales or Northern Ireland to the effect that a person was guilty of the act or omission charged against him but was insane at the time, the Criminal Cases Review Commission may at any time refer the verdict to the Court of Appeal if subsection (2) below applies.
- (2) This subsection applies if the Commission consider that there is a real possibility that the verdict would not be upheld were the reference to be made and either—
 - (a) the Commission so consider because of an argument, or evidence, not raised in the proceedings which led to the verdict, or
 - (b) it appears to the Commission that there are exceptional circumstances which justify the making of the reference.
- (3) Section 14 of the Criminal Appeal Act 1995 (supplementary provision about the reference of a verdict) shall apply in relation to a reference under subsection (1) above as it applies in relation to references under section 9 or 10 of that Act.

2 Reference treated as appeal: England and Wales

- (1) A reference under section 1(1) above of a verdict returned in England and Wales in the case of a person shall be treated for all purposes as an appeal by the person under section 12 of the Criminal Appeal Act 1968.

- (2) In their application to such a reference by virtue of subsection (1) above, sections 13 and 14 of that Act shall have effect—
- (a) as if references to the verdict of not guilty by reason of insanity were to the verdict referred under section 1(1) above, and
 - (b) as if, in section 14(1)(b), for the words from the beginning to “that he” there were substituted “the accused was under a disability and”.

3 Reference treated as appeal: Northern Ireland

- (1) A reference under section 1(1) above of a verdict returned in Northern Ireland in the case of a person shall be treated for all purposes as an appeal by the person under section 12 of the Criminal Appeal (Northern Ireland) Act 1980.
- (2) In their application to such a reference by virtue of subsection (1) above, sections 12 and 13 of that Act shall have effect—
- (a) as if references to the finding of not guilty on the ground of insanity were to the verdict referred under section 1(1) above, and
 - (b) as if, in section 13(5A), for the words “there should have been findings that the accused was unfit to be tried and that he” there were substituted “the accused was unfit to be tried and”.

4 Extent and short title

- (1) Section 1 above and this section extend to England and Wales and Northern Ireland.
- (2) Section 2 above extends to England and Wales.
- (3) Section 3 above extends to Northern Ireland.
- (4) This Act may be cited as the Criminal Cases Review (Insanity) Act 1999.