

CRIMINAL CASES REVIEW (INSANITY) ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Reference of former verdict of guilty but insane

12. *Subsection (2)*: the conditions which have to be satisfied if the Commission is to refer a verdict of guilty but insane to the Court of Appeal, as provided for by *subsection (1)*, mirror those in section 13 of the 1995 Act for the Commission to refer a verdict or finding of not guilty by reason of insanity. However, one of those conditions - that an appeal against the conviction or finding has to have been determined or leave to appeal against it been refused (section 13 (1)(c)) - is not applied by the Act, because, as explained in paragraphs 5 and 7 above, there is no right of appeal against the verdict of guilty but insane.
13. The further provisions in section 14 of the 1995 Act about the making of references by the Commission, applied by *subsection (3)* to any reference of a verdict of guilty but insane, include, for instance, what the Commission shall have regard to in considering whether to make a reference, and the requirement for it to give a statement of the reasons for its decision. The supplementary powers given to the Commission in sections 17 to 22 of the 1995 Act, and the provisions on the disclosure of information by the Commission in sections 23 to 25, will apply automatically to the Commission's consideration of whether to refer a verdict of guilty but insane.