



Criminal Justice Act (Northern Ireland) 1966

1966 CHAPTER 20

PART I

PROVISIONS AS TO CRIMINAL RESPONSIBILITY

1 Meaning of certain expressions used in this Act.

In this Act—

Definition rep. by 1986 NI 4

“mental abnormality” means an abnormality of mind which arises from a condition of arrested or retarded development of mind or any inherent causes or is induced by disease or injury;

“insane person” means a person who suffers from mental abnormality which prevents him—

- (a) from appreciating what he is doing; or
- (b) from appreciating that what he is doing is either wrong or contrary to law; or
- (c) from controlling his own conduct; and

“insanity” shall be construed accordingly.

2 Presumption against insanity and rebuttal thereof.

- (1) Subject to the succeeding provisions of this Part, every person charged with an offence shall, until the contrary is proved, be presumed not to have been insane at the time the offence is alleged to have been committed.
- (2) The presumption mentioned in subsection (1) may be rebutted by satisfying the jury (or, in the case of a summary trial, the court) that, on the balance of probabilities, the presumption is not correct.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act (Northern Ireland) 1966, PART I. (See end of Document for details)

- (3) On a charge for an offence, the prosecution, with the leave of the court, may assume the burden of proving that the person charged was an insane person and may proceed accordingly subject to any directions which may be given by the court as to the stage of the proceedings at which the prosecution may adduce or elicit evidence tending to such proof.

3 Effect of insanity etc., on criminal liability.

- (1) Subject to section 6, if a person charged with the commission of an offence is found to have been, at the time the offence is alleged to have been committed, an insane person within the meaning of this Act, he shall not be convicted of that offence.

Subs.(2), (3) rep. by 1986 NI 4

- (4) This section shall have effect in place of any rule of the common law inconsistent with this section.
- (5) Nothing in this section shall prejudice any powers exercisable^{F1} . . . by a magistrates' court under^{F2} Article 51 of the Magistrates' Courts (Northern Ireland) Order 1981].

F1 1986 NI 4
F2 1981 NI 26

4 Inference, from conduct, of knowledge or state of mind.

- (1) Where on a charge for an offence it is necessary to determine the knowledge or state of mind of a person at any time the jury or, in the case of a summary trial, the court, may infer that that person at that time—
- (a) had knowledge of his conduct and of the natural and probable consequences of that conduct; and
 - (b) either intended those consequences, or, if he did not intend them, was reckless as to whether or not they would ensue from that conduct.
- (2) The jury, or in the case of a summary trial, the court, shall not be bound to make an inference mentioned in subsection (1) or to disregard any other inference or evidence relevant to the knowledge or state of mind of any person whose knowledge or state of mind is in issue.
- (3) Subsection (1) shall not be taken to affect any rule of law governing the decision of questions as to a person's capacity or any special provision made by or under any enactment (including this Act).

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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