
STATUTORY INSTRUMENTS

1996 No. 3160

The Criminal Justice (Northern Ireland) Order 1996

PART IV

COURSE OF JUSTICE: EVIDENCE, PROCEDURE, ETC.

Insanity and unfitness to be tried

Trial of the facts in cases of defendants found unfit to be tried

49. After Article 49 of the Mental Health (Northern Ireland) Order 1986 there shall be inserted—

“Finding that the accused did the act or made the omission charged against him

49A.—(1) This Article applies where in accordance with Article 49(4) it is determined by a jury that the accused is unfit to be tried.

(2) The trial shall not proceed or further proceed but it shall be determined by a jury—

- (a) on the evidence (if any) already given in the trial; and
- (b) on such evidence as may be adduced or further adduced by the prosecution, or adduced by a person appointed by the court under this Article to put the case for the defence,

whether it is satisfied, as respects the count or each of the counts on which the accused was to be or was being tried, that he did the act or made the omission charged against him as the offence.

(3) If as respects that count or any of those counts the jury is satisfied as mentioned in paragraph (2), it shall make a finding that the accused did the act or made the omission charged against him.

(4) If as respects that count or any of those counts the jury is not so satisfied, it shall return a verdict of acquittal as if on the count in question the trial had proceeded to a conclusion.

(5) A determination under paragraph (2) shall be made—

- (a) where the question of fitness to be tried was determined on the arraignment of the accused, by a jury other than that which determined that question; and
- (b) where that question was determined at any later time, by the jury by whom the accused was being tried.”