



# Criminal Procedure (Insanity) Act 1964

## 1964 CHAPTER 84

### 5 Orders for admission to hospital

(1) Where—

- (a) a special verdict is returned, or
- (b) on an appeal against conviction the Court of Criminal Appeal are of opinion that the proper verdict would have been a special verdict, or
- (c) a finding is recorded that the accused is under disability, or
- (d) on an appeal against conviction or against a special verdict the Court of Criminal Appeal are of opinion that the case is not one where there should have been a verdict of acquittal, but that there should have been a finding that the accused was under disability,

the court shall make an order that the accused be admitted to such hospital as may be specified by the Secretary of State.

(2) Subject to the foregoing subsection, where in accordance with section 3(1)(b) of this Act the Court of Criminal Appeal substitute a verdict of acquittal, and the court are of opinion—

- (a) (that the appellant is suffering from mental disorder of a nature or degree which warrants his detention in a hospital under observation (with or without other medical treatment) for at least a limited period; and
- (b) that he ought to be so detained in the interests of his own health or safety or with a view to the protection of other persons,

the court shall make an order that the appellant be admitted for observation to such hospital as may be specified by the Secretary of State.

(3) The provisions in that behalf of Schedule 1 to this Act shall have effect in relation to orders for admission to hospital made under this section.

(4) Subject to the provisions of the said Schedule, if while a person is detained in pursuance of an order under paragraph (c) of subsection (1) of this section the Secretary of State, after consultation with the responsible medical officer, is satisfied that the said person can properly be tried, the Secretary of State may remit that person to prison, or to a remand centre provided under section 43 of the Prison Act 1952, for trial at the next quarter sessions, or as the case may be assizes, for the place where

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*Status: This is the original version (as it was originally enacted).*

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but for the order he would have been tried; and on his arrival at the prison or remand centre the order under subsection (1)(c) shall cease to have effect.

In relation to persons ordered under section 2 of the Criminal Lunatics Act 1800 to be kept in custody this subsection and paragraph 2(2) of Schedule 1 to this Act shall apply as if the order were an order under subsection (1)(c) of this section.

- (5) In section 72(6)(a) of the Mental Health Act 1959 (removal to hospital of persons detained under orders made in criminal proceedings) the exception for an order under an enactment to which section 71 of that Act applies shall extend to orders under subsection (1) of this section ; and in section 5(4) of the Administration of Justice Act 1960 (interim detention of respondent pending appeal to House of Lords) any reference to an order or direction under Part V of the Mental Health Act 1959 shall include a reference to an order under subsection (1)(a) or (c) of this section.