



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VI

MENTAL DISORDER

^{F1} Acquittal involving mental disorder

Textual Amendments

- F1** S. 53E and cross-heading inserted (with application in accordance with art. 3 of the commencing S.S.I.) by *Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)*, ss. 169, 206(1); S.S.I. 2012/160, art. 3, sch.

53E Acquittal involving mental disorder

- (1) Where the prosecutor accepts a plea (by the person charged with the commission of an offence) of the special defence set out in section 51A of this Act, the court must declare that the person is acquitted by reason of the special defence.
- (2) Subsection (3) below applies where—
 - (a) the prosecutor does not accept such a plea, and
 - (b) evidence tending to establish the special defence set out in section 51A of this Act is brought before the court.
- (3) Where this subsection applies the court is to—
 - (a) in proceedings on indictment, direct the jury to find whether the special defence has been established and, if they find that it has, to declare whether the person is acquitted on that ground,
 - (b) in summary proceedings, state whether the special defence has been established and, if it states that it has, declare whether the person is acquitted on that ground.]

Status:

Point in time view as at 25/06/2012.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Cross Heading: Acquittal involving mental disorder is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.