



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VI

MENTAL DISORDER

[^{F1}Unfitness for trial

VALID FROM 25/06/2012

[^{F1}53F Unfitness for trial

- (1) A person is unfit for trial if it is established on the balance of probabilities that the person is incapable, by reason of a mental or physical condition, of participating effectively in a trial.
- (2) In determining whether a person is unfit for trial the court is to have regard to—
 - (a) the ability of the person to—
 - (i) understand the nature of the charge,
 - (ii) understand the requirement to tender a plea to the charge and the effect of such a plea,
 - (iii) understand the purpose of, and follow the course of, the trial,
 - (iv) understand the evidence that may be given against the person,
 - (v) instruct and otherwise communicate with the person's legal representative, and
 - (b) any other factor which the court considers relevant.
- (3) The court is not to find that a person is unfit for trial by reason only of the person being unable to recall whether the event which forms the basis of the charge occurred in the manner described in the charge.
- (4) In this section “the court” means—

Status: Point in time view as at 06/04/2007. This version of this provision is not valid for this point in time.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 53F is up to date with all changes known to be in force on or before 24 May 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. (See end of Document for details)

- (a) as regards a person charged on indictment, the High Court or the sheriff court,
- (b) as regards a person charged summarily, the sheriff court.]

Textual Amendments

F1 S. 53F and preceding cross-heading inserted (prosp.) by [Criminal Justice and Licensing \(Scotland\) Act 2010](#) (asp 13), **ss. 170(1), 206(1)**

Status:

Point in time view as at 06/04/2007. This version of this provision is not valid for this point in time.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 53F is up to date with all changes known to be in force on or before 24 May 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.