



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 7

MENTAL DISORDER AND UNFITNESS FOR TRIAL

169 Acquittal involving mental disorder: procedure

Before section 54 of the 1995 Act insert—

“Acquittal involving mental disorder

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.”