



Criminal Procedure (Insanity) Act 1964

1964 CHAPTER 84

[^{F15} Powers to deal with persons not guilty by reason of insanity or unfit to plead etc.]

- (1) This section applies where—
 - (a) a special verdict is returned that the accused is not guilty by reason of insanity; or
 - (b) findings have been made that the accused is under a disability and that he did the act or made the omission charged against him.
- (2) The court shall make in respect of the accused—
 - (a) a hospital order (with or without a restriction order);
 - (b) a supervision order; or
 - (c) an order for his absolute discharge.
- (3) Where—
 - (a) the offence to which the special verdict or the findings relate is an offence the sentence for which is fixed by law, and
 - (b) the court have power to make a hospital order,the court shall make a hospital order with a restriction order (whether or not they would have power to make a restriction order apart from this subsection).

[^{F2}(3A) Where the court have power under subsection (2)(c) to make an order for the absolute discharge of the accused, they may do so where they think, having regard to the circumstances, including the nature of the offence charged and the character of the accused, that such an order would be most suitable in all the circumstances of the case.]

- (4) In this section—
 - “hospital order” has the meaning given in section 37 of the Mental Health Act 1983;
 - “restriction order” has the meaning given to it by section 41 of that Act;
 - “supervision order” has the meaning given in Part 1 of Schedule 1A to this Act.]

Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Insanity) Act 1964, Section 5. (See end of Document for details)

Textual Amendments

- F1** Ss. 5, 5A substituted (31.3.2005) for s. 5 by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 24\(1\)](#), 60 (with [Sch. 12 para. 8](#)); S.I. 2005/579, art. 3(b)
- F2** [S. 5\(3A\)](#) inserted (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), s. 5(2)(3), [Sch. 2 para. 114\(2\)](#); S.I. 2012/1236, reg. 2

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