



Criminal Procedure (Insanity) Act 1964

1964 CHAPTER 84

[^{F1}5A Orders made under or by virtue of section 5

- (1) In relation to the making of an order by virtue of subsection (2)(a) of section 5 above, section 37 (hospital orders etc) of the Mental Health Act 1983 (“ the 1983 Act ”) shall have effect as if—
- (a) the reference in subsection (1) to a person being convicted before the Crown Court included a reference to the case where section 5 above applies;
 - (b) the words after “punishable with imprisonment” and before “or is convicted” were omitted; and
 - (c) for subsections (4) and (5) there were substituted—

“(4) Where an order is made under this section requiring a person to be admitted to a hospital (“a hospital order”), it shall be the duty of the managers of the hospital specified in the order to admit him in accordance with it.”
- (2) In relation to a case where section 5 above applies but the court have not yet made one of the disposals mentioned in subsection (2) of that section—
- (a) section 35 of the 1983 Act (remand to hospital for report on accused’s mental condition) shall have effect with the omission of the words after paragraph (b) in subsection (3);
 - (b) section 36 of that Act (remand of accused person to hospital for treatment) shall have effect with the omission of the words “(other than an offence the sentence for which is fixed by law)” in subsection (2);
 - (c) references in sections 35 and 36 of that Act to an accused person shall be construed as including a person in whose case this subsection applies; and
 - (d) section 38 of that Act (interim hospital orders) shall have effect as if—
 - (i) the reference in subsection (1) to a person being convicted before the Crown Court included a reference to the case where section 5 above applies; and
 - (ii) the words “(other than an offence the sentence for which is fixed by law)” in that subsection were omitted.

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

(3) In relation to the making of any order under the 1983 Act by virtue of this Act, references in the 1983 Act to an offender shall be construed as including references to a person in whose case section 5 above applies, and references to an offence shall be construed accordingly.

(4) Where—

- (a) a person is detained in pursuance of a hospital order which the court had power to make by virtue of section 5(1)(b) above, and
- (b) the court also made a restriction order, and that order has not ceased to have effect,

the Secretary of State, if satisfied after consultation with [^{F2}the responsible clinician] that the person can properly be tried, may remit the person for trial, either to the court of trial or to a prison.

On the person's arrival at the court or prison, the hospital order and the restriction order shall cease to have effect.

(5) Schedule 1A to this Act (supervision orders) has effect with respect to the making of supervision orders under subsection (2)(b) of section 5 above, and with respect to the revocation and amendment of such orders.

^{F3}(6)]

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** Words in s. 5A(4) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 15(4)**, 56(1); S.I. 2008/1900, art. 2(b) (with art. 3Sch.)
- F3** S. 5A(6) omitted (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 virtue of [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), s. 5(2)(3), **Sch. 2 para. 114(3)**; S.I. 2012/1236, reg. 2

Modifications etc. (not altering text)

- C1** S. 5A applied by 1968 c. 19, s. 6(4) 14(4) (as substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), **ss. 24(3)**, 60 (with [Sch. 12 para. 8](#)); S.I. 2005/579, art. 3(b))

Changes to legislation:

There are currently no known outstanding effects for the Criminal Procedure (Insanity) Act 1964, Section 5A.