



# Criminal Procedure (Insanity) Act 1964

## 1964 CHAPTER 84

### [4] <sup>F1</sup> Finding of unfitness to plead.

- (1) This section applies where on the trial of a person the question arises (at the instance of the defence or otherwise) whether the accused is under a disability, that is to say, under any disability such that apart from this Act it would constitute a bar to his being tried.
- (2) If, having regard to the nature of the supposed disability, the court are of opinion that it is expedient to do so and in the interests of the accused, they may postpone consideration of the question of fitness to be tried until any time up to the opening of the case for the defence.
- (3) If, before the question of fitness to be tried falls to be determined, the jury return a verdict of acquittal on the count or each of the counts on which the accused is being tried, that question shall not be determined.
- (4) Subject to subsections (2) and (3) above, the question of fitness to be tried shall be determined as soon as it arises.
- (5) The question of fitness to be tried shall be determined [<sup>F2</sup>by the court without a jury] .
- (6) [<sup>F3</sup>The court] shall not make a determination under subsection (5) above except on the written or oral evidence of two or more registered medical practitioners at least one of whom is duly approved.]

#### Textual Amendments

- F1** Ss. 4 and 4A substituted (01.01.1992) for s. 4 by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25, SIF 39:1\)](#), **ss.2, 8**; S.I. 1991/2488, **art.2**.
- F2** Words in s. 4(5) substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), **ss. 22(2)**, 60 (with [Sch. 12 para. 8](#)); S.I. 2005/579, **art. 3(b)**
- F3** Words in s. 4(6) substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), **ss. 22(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 4.