



Criminal Procedure (Insanity) Act 1964

1964 CHAPTER 84

An Act to amend the form of the special verdict required by section 2 of the Trial of Lunatics Act 1883 and the procedure for determining whether an accused person is under a disability such as to constitute a bar to his being tried; to provide for an appeal against such a special verdict or a finding that the accused is under such a disability; to confer on the court of trial and the Court of Criminal Appeal further powers of making orders for admission to hospital; to empower the prosecution to put forward evidence of insanity or diminished responsibility; and for purposes connected with the matters aforesaid. [31st July 1964]

Extent Information

E1 For extent of this Act see s. 8(4)

Commencement Information

II Act wholly in force at 31.8.1964 see s. 8(3).

1 Acquittal on grounds of insanity.

The special verdict required by section 2 of the ^{M1}Trial of Lunatics Act 1883 (hereinafter referred to as a “special verdict”) shall be that the accused is not guilty by reason of insanity; and accordingly in subsection (1) of that section for the words from “a special verdict” to the end there shall be substituted the words “a special verdict that the accused is not guilty by reason of insanity”.

Marginal Citations

M1 1883 c. 38.

2, 3. ^{F1}

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

Textual Amendments

F1 Ss. 2, 3, 4(6) repealed by [Criminal Appeal Act 1968 \(c. 19\)](#), [Sch. 7](#)

[4] ^{F2} 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 [^{F3}by the court without a jury] .
- (6) [^{F4}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

- F2** 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](#).
- F3** 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\(b\)](#)
- F4** 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\(b\)](#)

4A Finding that the accused did the act or made the omission charged against him.

- (1) This section applies where in accordance with section 4(5) above it is determined by a [^{F5}court] that the accused is under a disability.
- (2) The trial shall not proceed or further proceed but it shall be determined by a jury—
 - (a) on the evidence (if any) already given in the trial; and
 - (b) on such evidence as may be adduced or further adduced by the prosecution, or adduced by a person appointed by the court under this section to put the case for the defence,
 whether they are satisfied, as respects the count or each of the counts on which the accused was to be or was being tried, that he did the act or made the omission charged against him as the offence.

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- (3) If as respects that count or any of those counts the jury are satisfied as mentioned in subsection (2) above, they shall make a finding that the accused did the act or made the omission charged against him.
- (4) If as respects that count or any of those counts the jury are not so satisfied, they shall return a verdict of acquittal as if on the count in question the trial had proceeded to a conclusion.
- [^{F6}(5) Where the question of disability was determined after arraignment of the accused, the determination under subsection (2) is to be made by the jury by whom he was being tried.]

Textual Amendments

- F5** Word in s. 4A(1) substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 22\(4\), 60](#) (with [Sch. 12 para. 8](#)); [S.I. 2005/579, art. 3\(b\)](#)
- F6** s. 4A(5) substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 22\(5\), 60](#) (with [Sch. 12 para. 8](#)); [S.I. 2005/579, art. 3\(b\)](#)

[^{F7}5 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).
- [^{F8}(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. (See end of Document for details)

Textual Amendments

- F7** 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)
- F8** [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

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.
- (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,

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the Secretary of State, if satisfied after consultation with [^{F9}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.

^{F10}(6)]

Textual Amendments

- F7** 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)
- F9** 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.](#))
- F10** 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))

6 Evidence by prosecution of insanity or diminished responsibility.

Where on a trial for murder the accused contends—

- (a) that at the time of the alleged offence he was insane so as not to be responsible according to law for his actions; or
- (b) that at that time he was suffering from such abnormality of [^{F11} mental functioning] as is specified in subsection (1) of section 2 of the ^{M2}Homicide Act 1957 (diminished responsibility),

the court shall allow the prosecution to adduce or elicit evidence tending to prove the other of those contentions, and may give directions as to the stage of the proceedings at which the prosecution may adduce such evidence.

Textual Amendments

- F11** Words in s. 6(b) substituted (4.10.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 52\(2\)](#), 182(5) (with s. 180, [Sch. 22 para. 7](#)); S.I. 2010/816, art. 5(a)

Marginal Citations

- M2** 1957 c. 11.

^{F127} **Courts-martial.**

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Textual Amendments

F12 S. 7 repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), s. 60, Sch. 11; S.I. 2005/579, art. 3\(i\)](#)

Modifications etc. (not altering text)

C2 The text of S. 7, Sch. 2 Pt. I, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

8 Short title, interpretation, commencement, extent and repeals.

(1) This Act may be cited as the Criminal Procedure (Insanity) Act 1964.

(2) In this Act—

[^{F13}“duly approved” in relation to a registered medical practitioner, means approved for the purposes of section 12 of the Mental Health Act 1983 by the Secretary of State^{F14}, or by another person by virtue of section 12ZA or 12ZB of that Act,] as having special experience in the diagnosis or treatment of mental disorder;

[^{F15}“local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;]

“registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 [^{F16} who holds a licence to practise];]

“special verdict” has the meaning assigned by section 1 of this Act,

“under disability” has the meaning assigned by section 4 of this Act,

“verdict of acquittal” does not include a special verdict, and any reference to acquittal shall be construed accordingly,

and other expressions used in this Act and in [^{F17}the Mental Health Act 1983] have the same meanings in this Act as in [^{F17}Part III] of that Act; ^{F18} . . .

[^{F19}(2A) Subsections (2) and (3) of section 54 of the Mental Health Act 1983 shall have effect with respect to proof of the accused’s mental condition for the purposes of section 4 of this Act as they have effect with respect to proof of an offender’s mental condition for the purposes of section 37(2)(a) of that Act.]

(3) This Act shall come into operation at the time of expiration of a period of one month beginning with the day on which it was passed ^{F20} . . .

(4) This Act ^{F21} . . . shall extend to England and Wales only.

^{F22}(5)

Textual Amendments

F13 In s. 8(2), definitions of "duly approved" and "registered medical practitioner" inserted (1.1.1992) by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25, SIF 39:1\), s. 7, Sch. 3 para. 1\(1\), S.I. 1991/2488, art. 2.](#)

F14 Words in s. 8(2) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 38\(5\)\(a\), 306\(4\); S.I. 2013/160, art. 2\(2\) \(with arts. 7-9\)](#)

F15 Words in s. 8(2) inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), s. 60, Sch. 10 para. 3; S.I. 2005/579, art. 3\(g\)](#)

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- F16** Words in the definition of “registered medical practitioner” in s. 8(2) inserted by [S.I. 2002/3135, art. 16\(1\), Sch. 1 Pt. I para. 5](#) (with transitional provisions in [Sch. 2](#)) (the amendment coming into force in accordance with art. 1(3) of the amending S.I. and see the Gazette (Issue 59163) dated 21.8.2009)
- F17** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\), Sch. 4 para. 18\(a\)](#)
- F18** Words in s. 8(2) repealed (1.1.1992) by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25, SIF 39:1\), s. 8\(3\), Sch. 4](#) (with s. 8), [S.I. 1992/2488, art. 2](#).
- F19** S. 8(2A) inserted (1.1.1992) by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25, SIF 39:1\), s. 7, Sch. 3 para. 1\(2\), S.I. 1991/2488, art. 2](#).
- F20** Words in s. 8(3) repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), s. 60, Sch. 11; S.I. 2005/579, art. 3\(i\)](#)
- F21** Words in s. 8(4) repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), s. 60, Sch. 11; S.I. 2005/579, art. 3\(i\)](#)
- F22** S. 8(5) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), Sch. Pt. XI](#)

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SCHEDULES

^{F23}SCHEDULE 1

Textual Amendments

F23 Sch. 1 repealed (01.01.1992) by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25, SIF 39:1\)](#), s. 8(3), [Sch. 4](#) (with s. 8), S.I. 1991/2488, [art. 2](#).

^{F24}[*Effect of Orders for Admission to Hospital*]

Textual Amendments

F24 Sch. 1 repealed (01.01.1992) by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25, SIF 39:1\)](#), s. 8(3), [Sch.4](#) (with s. 8); S.I. 1991/2488, [art.2](#)

^{F25}₁

Textual Amendments

F25 Sch. 1 para. 1 repealed (01.01.1992) by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25, SIF 39:1\)](#), s. 8(3), [Sch.4](#) (with s. 8), S.I. 1991/2488, [art.2](#).

^{F26}₂

Textual Amendments

F26 Sch. 1 para. 2 repealed (01.01.1992) by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25, SIF 39:1\)](#), s. 8(3), [Sch.4](#) (with s. 8), S.I. 1991/2488, [art.2](#).

^{F27}SCHEDULE 1A

Section 5A

SUPERVISION ORDERS

Textual Amendments

F27 Sch. 1A inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 2](#) (with [Sch. 12 paras. 8, 9](#)); S.I. 2005/579, [art. 3\(b\)](#)

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PART 1

PRELIMINARY

- 1 (1) In this Schedule “supervision order” means an order which requires the person in respect of whom it is made (“the supervised person”) to be under the supervision of a social worker [^{F28}, an] officer of a local probation board [^{F29} or an officer of a provider of probation services] (“the supervising officer”) for a period specified in the order of not more than two years.
- (2) A supervision order may, in accordance with paragraph 4 or 5 below, require the supervised person to submit, during the whole of that period or such part of it as may be specified in the order, to treatment by or under the direction of a registered medical practitioner.
- (3) The Secretary of State may by order direct that sub-paragraph (1) above shall be amended by substituting, for the period for the time being specified there, such period as may be specified in the order.
- (4) An order under sub-paragraph (3) above may make in paragraph 11(2) below any amendment which the Secretary of State thinks necessary in consequence of any substitution made by the order.
- (5) The power of the Secretary of State to make orders under sub-paragraph (3) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F28** Words in Sch. 1A para. 1(1) substituted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, Sch. 1 para. 2(2)(a)
- F29** Words in Sch. 1A para. 1(1) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, Sch. 1 para. 2(2)(a)

PART 2

MAKING AND EFFECT OF ORDERS

Circumstances in which orders may be made

- 2 (1) The court shall not make a supervision order unless it is satisfied that, having regard to all the circumstances of the case, the making of such an order is the most suitable means of dealing with the accused or appellant.
- (2) The court shall not make a supervision order unless it is also satisfied—
- (a) that the supervising officer intended to be specified in the order is willing to undertake the supervision; and
 - (b) that arrangements have been made for the treatment intended to be specified in the order.

Making of orders and general requirements

- 3 (1) A supervision order shall either—

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- (a) specify the local social services authority area in which the supervised person resides or will reside, and require him to be under the supervision of a social worker of the local social services authority for that area; or
 - (b) specify the local justice area in which that person resides or will reside, and require him to be under the supervision of an officer of a local probation board appointed for or assigned to that area^{F30}, or (as the case may be) an officer of a provider of probation services acting in that area].
- (2) Before making such an order, the court shall explain to the supervised person in ordinary language—
- (a) the effect of the order (including any requirements proposed to be included in the order in accordance with paragraph 4, 5 or 8 below); and
 - (b) that a magistrates' court has power under paragraphs 9 to 11 below to review the order on the application either of the supervised person or of the supervising officer.
- (3) After making such an order, the court shall forthwith give copies of the order to an officer of a local probation board assigned to the court ^{F31} or an officer of a provider of probation services acting at the court], and he shall give a copy—
- (a) to the supervised person; and
 - (b) to the supervising officer.
- (4) After making such an order, the court shall also send to the designated officer for the local justice area in which the supervised person resides or will reside (“the local justice area concerned”)—
- (a) a copy of the order; and
 - (b) such documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in the exercise of its functions in relation to the order.
- (5) Where such an order is made, the supervised person shall keep in touch with the supervising officer in accordance with such instructions as he may from time to time be given by that officer and shall notify him of any change of address.

Textual Amendments

- F30** Words in Sch. 1A para. 3(1)(b) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, Sch. 1 para. 2(2)(b)(i)
- F31** Words in Sch. 1A para. 3(3) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, Sch. 1 para. 2(2)(b)(ii)

Requirements as to medical treatment

- 4 (1) A supervision order may, if the court is satisfied as mentioned in sub-paragraph (2) below, include a requirement that the supervised person shall submit, during the whole of the period specified in the order or during such part of that period as may be so specified, to treatment by or under the direction of a registered medical practitioner with a view to the improvement of his mental condition.
- (2) The court may impose such a requirement only if satisfied on the written or oral evidence of two or more registered medical practitioners, at least one of whom is duly registered, that the mental condition of the supervised person—

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- (a) is such as requires and may be susceptible to treatment; but
 - (b) is not such as to warrant the making of a hospital order within the meaning of the Mental Health Act 1983.
- (3) The treatment required under this paragraph by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say—
- (a) treatment as a non-resident patient at such institution or place as may be specified in the order; and
 - (b) treatment by or under the direction of such registered medical practitioner as may be so specified;
- but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a) or (b) above.

Requirements as to medical treatment

- 5
- (1) This paragraph applies where the court is satisfied on the written or oral evidence of two or more registered medical practitioners that—
- (a) because of his medical condition, other than his mental condition, the supervised person is likely to pose a risk to himself or others; and
 - (b) the condition may be susceptible to treatment.
- (2) The supervision order may (whether or not it includes a requirement under paragraph 4 above) include a requirement that the supervised person shall submit, during the whole of the period specified in the order or during such part of that period as may be so specified, to treatment by or under the direction of a registered medical practitioner with a view to the improvement of the condition.
- (3) The treatment required under this paragraph by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say—
- (a) treatment as a non-resident patient at such institution or place as may be specified in the order; and
 - (b) treatment by or under the direction of such registered medical practitioner as may be so specified;
- but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a) or (b) above.

Requirements as to medical treatment

- 6
- (1) Where the medical practitioner by whom or under whose direction the supervised person is being treated in pursuance of a requirement under paragraph 4 or 5 above is of the opinion that part of the treatment can be better or more conveniently given in or at an institution or place which—
- (a) is not specified in the order, and
 - (b) is one in or at which the treatment of the supervised person will be given by or under the direction of a registered medical practitioner,
- he may, with the consent of the supervised person, make arrangements for him to be treated accordingly.
- (2) Such arrangements may provide for the supervised person to receive part of his treatment as a resident patient in an institution or place of any description.
- (3) Where any such arrangements are made for the treatment of a supervised person—

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- (a) the medical practitioner by whom the arrangements are made shall give notice in writing to the supervising officer, specifying the institution or place in or at which the treatment is to be carried out; and
- (b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the supervision order.

Requirements as to medical treatment

- 7 While the supervised person is under treatment as a resident patient in pursuance of arrangements under paragraph 6 above, the supervising officer shall carry out the supervision to such extent only as may be necessary for the purpose of the revocation or amendment of the order.

Requirements as to residence

- 8 (1) Subject to sub-paragraph (2) below, a supervision order may include requirements as to the residence of the supervised person.
- (2) Before making such an order containing any such requirement, the court shall consider the home surroundings of the supervised person.

PART 3

REVOCATION AND AMENDMENT OF ORDERS

Revocation of order

- 9 (1) Where a supervision order is in force in respect of any person and, on the application of the supervised person or the supervising officer, it appears to a magistrates' court acting for the local justice area concerned that, having regard to circumstances which have arisen since the order was made, it would be in the interests of the health or welfare of the supervised person that the order should be revoked, the court may revoke the order.
- (2) The court by which a supervision order was made may of its own motion revoke the order if, having regard to circumstances which have arisen since the order was made, it considers that it would be inappropriate for the order to continue.

Amendment of order by reason of change of residence

- 10 (1) This paragraph applies where, at any time while a supervision order is in force in respect of any person, a magistrates' court acting for the local justice area concerned is satisfied that the supervised person proposes to change, or has changed, his residence from the area specified in the order to another local social services authority area or local justice area.
- (2) Subject to sub-paragraph (3) below, the court may, and on the application of the supervising officer shall, amend the supervision order by substituting the other area for the area specified in the order.
- (3) The court shall not amend under this paragraph a supervision order which contains requirements which, in the opinion of the court, cannot be complied with unless the

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supervised person continues to reside in the area specified in the order unless, in accordance with paragraph 11 below, it either—

- (a) cancels those requirements; or
- (b) substitutes for those requirements other requirements which can be complied with if the supervised person ceases to reside in that area.

Amendment of requirements of order

- 11 (1) Without prejudice to the provisions of paragraph 10 above, but subject to sub-paragraph (2) below, a magistrates' court for the local justice area concerned may, on the application of the supervised person or the supervising officer, by order amend a supervision order—
- (a) by cancelling any of the requirements of the order; or
 - (b) by inserting in the order (either in addition to or in substitution for any such requirement) any requirement which the court could include if it were the court by which the order was made and were then making it.
- (2) The power of a magistrates' court under sub-paragraph (1) above shall not include power to amend an order by extending the period specified in it beyond the end of two years from the day of the original order.

Amendment of requirements in pursuance of medical report

- 12 (1) Where the medical practitioner by whom or under whose direction the supervised person is being treated for his mental condition in pursuance of any requirement of a supervision order—
- (a) is of the opinion mentioned in sub-paragraph (2) below, or
 - (b) is for any reason unwilling to continue to treat or direct the treatment of the supervised person,
- he shall make a report in writing to that effect to the supervising officer and that officer shall apply under paragraph 11 above to a magistrates' court for the local justice area concerned for the variation or cancellation of the requirement.
- (2) The opinion referred to in sub-paragraph (1) above is—
- (a) that the treatment of the supervised person should be continued beyond the period specified in the supervision order;
 - (b) that the supervised person needs different treatment, being treatment of a kind to which he could be required to submit in pursuance of such an order;
 - (c) that the supervised person is not susceptible to treatment; or
 - (d) that the supervised person does not require further treatment.

Supplemental

- 13 (1) On the making under paragraph 9 above of an order revoking a supervision order, the designated officer for the local justice area concerned, or (as the case may be) the Crown Court, shall forthwith give copies of the revoking order to the supervising officer.
- (2) A supervising officer to whom in accordance with sub-paragraph (1) above copies of a revoking order are given shall give a copy to the supervised person and to the person in charge of any institution in which the supervised person is residing.

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

Supplemental

- 14 (1) On the making under paragraph 10 or 11 above of any order amending a supervision order, the designated officer for the local justice area concerned shall forthwith—
- (a) if the order amends the supervision order otherwise than by substituting a new area or a new place for the one specified in the supervision order, give copies of the amending order to the supervising officer;
 - (b) if the order amends the supervision order in the manner excepted by paragraph (a) above, send to the designated officer for the new local justice area concerned—
 - (i) copies of the amending order; and
 - (ii) such documents and information relating to the case as he considers likely to be of assistance to a court acting for that area in exercising its functions in relation to the order;
 and in a case falling within paragraph (b) above, the designated officer for that area shall give copies of the amending order to the supervising officer.
- (2) Where the designated officer for the court making the order is also the designated officer for the new local justice area—
- (a) sub-paragraph (1)(b) above does not apply; but
 - (b) the designated officers shall give copies of the amending order to the supervising officer.
- (3) Where in accordance with sub-paragraph (1) or (2) above copies of an order are given to the supervising officer, he shall give a copy to the supervised person and to the person in charge of any institution in which the supervised person is or was residing.]

SCHEDULE 2

Section 7.

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Textual Amendments

F32 Sch. 2 repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 11](#); [S.I. 2005/579](#), art. 3(i)

Changes to legislation:

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