



Domestic Violence, Crime and Victims Act 2004

2004 CHAPTER 28

PART 2

CRIMINAL JUSTICE

Unfitness to plead and insanity

22 Procedure for determining fitness to plead: England and Wales

- (1) The Criminal Procedure (Insanity) Act 1964 is amended as follows.
- (2) In section 4 (finding of unfitness to plead), in subsection (5) (question of fitness to be determined by a jury), for the words from “by a jury” to the end substitute “ by the court without a jury ”.
- (3) In subsection (6) of that section, for “A jury” substitute “ The court ”.
- (4) In subsection (1) of section 4A (finding that the accused did the act or omission charged against him), for “jury” substitute “ court ”.
- (5) For subsection (5) of that section substitute—
 - “(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.”

Changes to legislation:

Domestic Violence, Crime and Victims Act 2004, Section 22 is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 9 para. 26A inserted by [2015 c. 2 Sch. 3 para. 12](#)