

No. 42 of 2015:

Criminal Code (Amendment) Act 2015.

[Certified on: 09 FEB 2016]



No. of 2015.

Criminal Code (Amendment) Act 2015.

ARRANGEMENT OF SECTIONS.

1. Insanity (Amendment of Section 28).
2. Accused person insane during trial (Amendment of Section 590).
3. Acquittal on grounds of insanity (Amendment of Section 592).



No. of 2015.

AN ACT

entitled

Criminal Code (Amendment) Act 2015,

Being an Act to amend the *Criminal Code Act* (Chapter 262) to make provision for the trial of persons with unsound mind as a consequence of the *Mental Health Act 2015* and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State acting with, and in accordance with, the advice of the Minister.

1. INSANITY (AMENDMENT OF SECTION 28).

Section 28 of the Principal Act is amended by inserting new subsections after Subsection (2) as follows:

“(3) Where an accused person suffers from a mental disorder and, on arraignment is found to be so suffering by a Court so that he or she cannot be tried on the information filed against him or her, the Court shall direct the confinement of the accused in a mental health care centre indefinitely and shall only be released by the Minister on the recommendation of the Mental Health Tribunal established under the *Mental Health Act 2015*.

(4) The Court shall not make a finding under Subsection (3), except on the evidence of not less than two (2) registered Psychiatrists.”.

2. ACCUSED PERSON INSANE DURING TRIAL (AMENDMENT OF SECTION 590).

Section 590 of the Principal Act is amended by inserting a new subsection after Subsection (2) as follows:

“(3) Where an offender suffers from mental disorder after conviction is pronounced against him or her immediately or at any time after that, the execution of or further execution of judgment shall be stayed and he or she shall be dealt with as a forensic patient under the provisions of the *Mental Health Act 2015*.”.

3. ACQUITTAL ON GROUND OF INSANITY (AMENDMENT OF SECTION 592).

Section 592 of the Principal Act is amended by inserting new subsections after Subsection (4) as follows:

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“(5) Where it is given in evidence on the trial of a person charged with an offence that the person was suffering from insanity as provided in Section 28 of the Criminal Code at the time of the committing of the offence and the person is acquitted, the Court shall be required -

- (a) to find specifically whether that person was suffering from insanity at the time of committing of the offence; or
- (b) to declare whether it has acquitted him on account of such insanity.

(6) Where the Court finds that the accused was suffering from insanity at the time of committing of the offence, the Court shall order that the accused be confined in a Mental Health Care Centre indefinitely and shall be released only by the Minister on recommendation by the Mental Health Tribunal.

(7) The Court shall not make a finding under Subsection (1) except on the evidence of not less than two (2) registered Psychiatrists.”.

I hereby certify that the above is a fair print of the ***Criminal Code (Amendment) Act 2015*** which has been made by the National Parliament.

Acting Clerk of the National Parliament.

I hereby certify that the ***Criminal Code (Amendment) Act 2015*** was made by the National Parliament on 29 July, 2015.

Acting Speaker of the National Parliament.

09 FEB 2016