

Schedule 7: Matters of discipline: criminal trials, the armed forces and detention

I Criminal Trials

Subject Matter	Brief summary of the privilege or duty	Legislative Provision
Fitness to plead	The court will not make a determination of unfitness to plead without the written evidence of two or more Registered Medical Practitioners, at least one of whom is approved for the purpose of section 12 of the Mental Health Act 1983.	Criminal Procedure (Insanity and Unfitness to Plead) 1991 (Section 1)
Acquittals on the grounds of insanity	The jury will not acquit on the ground of insanity except on the written or oral evidence of two or more Registered Medical Practitioners, one of whom is approved for the purposes of section 12 of the Mental Health Act 1983.	Criminal Procedure (Insanity) Act 1964 (Section 4)
Supervision Order	When a verdict of not guilty by reason of insanity or a finding that the accused is under a disability and that he did the act charged against him the court may make a hospital order, supervision order or give an absolute discharge. A requirement for medical treatment may be included in the order only if the court is satisfied on written or oral evidence of two or more Registered Medical Practitioners.	Criminal Procedure (Insanity) Act 1964 (Schedule 1A)
Appeal	On appeal and on the evidence of two or more Registered Medical Practitioners, the appeal court may determine that the finding should have been not guilty by reason of insanity or a finding that the accused was under a disability and that he did the act charged against him.	Criminal Appeal Act 1968 (Section 6)
Sentencing	Registered Medical Practitioner may produce pre-sentence reports where an individual is convicted.	Powers of Criminal Court (Sentencing) 2000 (Section 11) Criminal Justice Act 2003 (Section 157)
Mental health treatment	A Registered Medical Practitioner approved for the purposes of Section 12 of the Mental Health Act 1983 will provide	Criminal Justice Act 2003 (Sections 207 and 208)

requirement in a community order or suspended sentence order	evidence before the court includes a requirement for mental health treatment in a community order or a suspended sentence order. In certain circumstances, the Registered Medical Practitioner may make amendments to the treatment received pursuant to the mental health treatment requirement.	
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II Armed Forces: Court-Martial

Subject Matter	Brief summary of the privilege or duty	Legislative Provision
Temporary removal for treatment	No order to remove to and detain in service hospitals servicemen suffering from mental disorders may be made without the written recommendation of two Registered Medical Practitioners, save for a case of urgent necessity where the written recommendation of one Registered Medical Practitioner is sufficient.	Armed Forces Act 1981 (Section 13)
Fitness to stand trial	A determination of unfitness to plead will not be made without the written evidence of two or more Registered Medical Practitioners, at least one of whom is approved for the purpose of section 12 of the Mental Health Act 1983.	Air Force Act 1955 (section 115A) Army Act 1955 (Section 115A) Naval Discipline Act 1957 (Section 62A)
Acquittals on the grounds of insanity	The accused will not be acquitted on the ground of insanity except on the written or oral evidence of two or more Registered Medical Practitioners, one of whom is approved for the purposes of section 12 of the Mental Health Act 1983.	Air Force Act 1955 (section 116) Army Act 1955 (Section 116) Naval Discipline Act 1957 (Section 63)
Supervision Order	When a verdict of not guilty by reason of insanity or a finding that the accused is under a disability and that he did the act charged against him the court may make a hospital order, supervision order or an absolute discharge. A requirement for medical treatment may be included in the order only if satisfied on written or oral evidence of two or more	Unfitness to Stand Trial and Insanity (Royal Air Force) Regulations 2005 (SI 2005/1388) Unfitness to Stand Trial and Insanity (Army) Regulations 2005 (SI 2005/1390) Unfitness to Stand Trial and Insanity (Royal Navy) Regulations 2005 (SI 2005/1389)

	Registered Medical Practitioners.	
Appeal against a court-martial decision	On appeal and on the evidence of two or more Registered Medical Practitioners, the appeal court may determine that the finding should have been not guilty by reason of insanity or a finding that the accused was unfit to stand trial.	Court Martial (Appeals) Act 1968 (Sections 16 and 22)
Admissibility of evidence from a Registered Medical Practitioner	A written report purporting to be signed by a Registered Medical Practitioner may be received in evidence without proof of the signature of the practitioner and without proof that the practitioner has the requisite qualifications.	Air Force Act 1955 (Section 116D) Army Act 1955 (Section 116D) Navy Discipline Act 1957 (Section 63D) Court Martial (Appeals) Act 1968 (Section 57)
Visiting an appellant	An individual under sentence but intending to petition for appeal may receive a visit from a Registered Medical Practitioner.	Naval Detention Quarters Rules 1973 Imprisonment and Detention (Army) Rules 1979 (SI 1979/1456) Imprisonment and Detention (Air Force) Rules 1980 (SI 1980/2005)

III Prisons, Youth Offender Institutes and Detention Centres

Subject Matter	Brief summary of the privilege or duty	Legislative Provision
Medical care in prisons	A contractor in contracted out prisons shall secure the provision of appropriate medical services by appointing one or more Registered Medical Practitioner or by entering into an arrangement with any person for the provision of such services, or both. Similarly, Scottish legislation requires the Secretary of State to secure the provision of appropriate medical services within prisons by appointing Registered	Criminal Justice and Public Order Act 1994 Prisons (Scotland) Act 1989

	Medical Practitioners, entering into an arrangement with any person for the procurement of such services, or both.	
Detention Centres	Every detention centre has a medical practitioner who is vocationally trained as a general practitioner and is a fully Registered Medical Practitioner. Every person must be given a physical and mental examination by a Registered Medical Practitioner within 24 hours of admission into a detention centre.	Detention Centre Rules 2001 (SI 2001/238)
Prison Rules	A Registered Medical Practitioner or registered nurse may excuse a prisoner from work on medical grounds and will be consulted prior to cellular confinement and notified of an order to put a prisoner under restraint.	Prison Rules 1999 (SI 1999/728)
Young Offender Institutes	A governor may arrange for an inmate not to associate with other inmates and he has discretion to allow association to resume at any time; however, in exercising that discretion he must consider any recommendation of resumed association on medical grounds from a Registered Medical Practitioner or a registered nurse. Further, a Registered Medical Practitioner or registered nurse must be notified if a governor orders that a prisoner be put under restraint and that person must inform the governor if there is any medical reason why the prisoner should not be put under restraint.	Young Offender Institution Rules 2000 (SI 2000/3371)