

2018/08/08

OBJECTS AND REASONS

This Bill would amend the *Criminal Procedure Act*, Cap. 127 to

- (a) make provision for a person who is to be arraigned upon indictment for the offence for murder to undergo a psychiatric evaluation to determine whether that person is fit to plead; and
- (b) allow judges to intervene where the defences of diminished responsibility or insanity ought to be raised in respect of the accused.

Arrangement of Sections

1. Short title
2. Insertion of section 6A into Cap. 127
3. Insertion of section 7A into Cap. 127

BARBADOS

A Bill entitled

An Act to amend the *Criminal Procedure Act, Cap. 127*.

ENACTED by the Parliament of Barbados as follows:

Short title

- 1.** This Act may be cited as the *Criminal Procedure (Amendment) Act, 2018*.

Insertion of section 6A into Cap. 127

2. *The Criminal Procedure Act, Cap. 127, in this Act referred to as the principal Act, is amended by inserting immediately after section 6 the following section:*

“Psychiatric evaluation

6A.(1) The High Court shall order a person who is to be arraigned upon indictment for the offence of murder to undergo a psychiatric evaluation the results of which shall be used to assist the Court in determining whether that person is fit to plead.

(2) Where a person has been found to be unfit to plead, the High Court may order that person to be admitted to a mental hospital for a period not exceeding 8 weeks.

(3) A person admitted to a mental hospital under subsection (2) may be discharged only after the approval of the High Court and the High Court may specify conditions of his discharge.

(4) The High Court in specifying the conditions of the discharge of a person under subsection (3), shall order that that person undergo further psychiatric evaluations at intervals to be determined by the High Court in order to assist the Court in determining whether that person is fit to plead.

(5) Where a person is found to be fit to plead under subsections (1) and (4), he shall enter the plea in the manner specified in section 7.”.

Insertion of section 7A into Cap. 127

3. *The principal Act is amended by inserting immediately after section 7, the following section:*

“Intervention of the judge

7A.(1) Where a judge determines from the circumstances of the case before him that the defences of diminished responsibility or insanity should be raised in relation to an accused, the judge shall order that the accused undergo a psychiatric evaluation to determine whether the mental status of the accused person would support the submission of arguments for diminished responsibility or insanity in relation to that accused person.

(2) Where the results of the psychiatric evaluation referred to in subsection (1) indicate that the defences of diminished responsibility or insanity should be raised in respect of the accused, the judge shall ensure that the defences are raised in relation to the accused.”.

Read three times and passed the House of Assembly this
day of _____, 2018.

Speaker

Read three times and passed the Senate this _____ day of
, 2018.

President

CRIMINAL PROCEDURE (AMENDMENT) BILL, 2018

EXPLANATORY MEMORANDUM

The *Criminal Procedure (Amendment) Bill, 2018* will amend the *Criminal Procedure Act, Cap. 127* to

- (a) make provision for a person who is to be arraigned upon indictment for the offence of murder to undergo a psychiatric evaluation to determine whether that person is fit to plead; and
- (b) allow judges to intervene where the defences of insanity and diminished responsibility should be raised in relation to an accused.

Clause 1: Clause 1 states that the Act may be cited as the *Criminal Procedure (Amendment) Act, 2018*.

Clause 2: Clause 2 inserts into the *Criminal Procedure Act, Cap. 127* a new section 6A which makes provision for a person who is to be arraigned upon indictment for the offence for murder to undergo a psychiatric evaluation to determine whether that person is fit to plead.

Clause 3: Clause 3 inserts into the *Criminal Procedure Act, Cap. 127* a new section 7A to allow judges to intervene where the defences of insanity and diminished responsibility should be raised in relation to an accused.