



# Indictments Act 1915

## 1915 CHAPTER 90

### **1 Rules as to indictments**

The rules contained in the First Schedule to this Act with respect to indictments shall have effect as if enacted in this Act, but those rules may be added to, varied, or annulled by further rules made by the rule committee under this Act.

### **2 Powers of rule committee**

- (1) There shall be established for the purposes of this Act a rule committee consisting of the Lord Chief Justice of England for the time being, and of a judge of the High Court, a chairman of quarter sessions, a recorder, a clerk of assize, a clerk of the peace, and another person having experience in criminal procedure, appointed in each case by the Lord Chief Justice.
- (2) The rule committee shall have power from time to time, subject to the approval of the Lord Chancellor, to make rules varying or annulling the rules contained in the First Schedule to this Act and to make further rules with respect to the matters dealt with in those rules, and those rules shall have effect subject to any modifications or additions so made.
- (3) Any rules made by the rule committee shall be laid, as soon as may be, before both Houses of Parliament, and, if within forty days on which either House has sat since the rules were so laid before the House a petition is presented to His Majesty by that House praying that the rules or any part of them may be annulled, His Majesty may thereupon by Order in Council annul the same, and the same shall thenceforth be void, but without prejudice to the validity of anything done thereunder.
- (4) The term of office of any person who is a member of the committee by virtue of appointment shall be such as may be specified in the appointment.

### **3 General provisions as to indictments**

- (1) Every indictment shall contain, and shall be sufficient if it contains, a statement of the specific offence or offences with which the accused person is charged, together

with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

- (2) Notwithstanding any rule of law or practice, an indictment shall, subject to the provisions of this Act, not be open to objection in respect of its form or contents if it is framed in accordance with the rules under this Act.

#### **4 Joinder of charges in the same indictment**

Subject to the provisions of the rules under this Act, charges for more than one felony or for more than one misdemeanour, and charges for both felonies and misdemeanours, may be joined in the same indictment, but where a felony is tried together with any misdemeanour, the jury shall be sworn and the person accused shall have the same right of challenging jurors as if all the offences charged in the indictment were felonies.

#### **5 Orders for amendment of indictment, separate trial, and postponement of trial**

- (1) Where, before trial, or at any stage of a trial, it appears to the court that the indictment is defective, the court shall make such order for the amendment of the indictment as the court thinks necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without injustice, and may make such order as to the payment of any costs incurred owing to the necessity for amendment as the court thinks fit.
- (2) Where an indictment is so amended, a note of the order for amendment shall be endorsed on the indictment, and the indictment shall be treated for the purposes of the trial and for the purposes of all proceedings in connection therewith as having been found by the grand jury in the amended form.
- (3) Where, before trial, or at any stage of a trial, the court is of opinion that a person accused may be prejudiced or embarrassed in his defence by reason of being charged with more than one offence in the same indictment, or that for any other reason it is desirable to direct that the person should be tried separately for any one or more offences charged in an indictment, the court may order a separate trial of any count or counts of such indictment.
- (4) Where, before trial, or at any stage of a trial, the court is of opinion that the postponement of the trial of a person accused is expedient as a consequence of the exercise of any power of the court under this Act to amend an indictment or to order a separate trial of a count, the court shall make such order as to the postponement of the trial as appears necessary.
- (5) Where an order of the court is made under this section for a separate trial or for the postponement of a trial—
  - (a) if such an order is made during a trial the court may order that the jury are to be discharged from giving a verdict on the count or counts the trial of which is postponed or on the indictment, as the case may be; and
  - (b) the procedure on the separate trial of a count shall be the same in all respects as if the count had been found in a separate indictment, and the procedure on the postponed trial shall be the same in all respects (if the jury has been discharged) as if the trial had not commenced; and
  - (c) the court may make such order as to costs and as to admitting the accused person to bail, and as to the enlargement of recognizances and otherwise as the court thinks fit.

- (6) Any power of the court under this section shall be in addition to and not in derogation of any other power of the court for the same or similar purposes.

## **6 Costs of defective or redundant indictments**

Where it appears to the court that an indictment contains unnecessary matter, or is of unnecessary length, or is materially defective in any respect, the court may make such order as to the payment of that part of the costs of the prosecution which has been incurred by reason of the indictment so containing unnecessary matter, or being of unnecessary length, or being materially defective as the court thinks fit.

## **7 Provision as to Vexatious Indictments Acts**

Nothing in this Act shall prevent an indictment being open to objection if it contravenes or fails to comply with the Vexatious Indictments Act, 1859, as amended by section one of the Criminal Law Amendment Act, 1867, or any other enactment : Provided that an indictment shall not be open to objection under those Acts on the ground that a count is joined with the rest of the indictment which could not at the time of the passing of the Criminal Law Amendment Act, 1867, be lawfully joined, if that count can be lawfully joined under the law for the time being in force.

## **8 Savings and interpretation**

- (1) Nothing in this Act or the rules thereunder shall affect the law or practice relating to the jurisdiction of a court or the place where an accused person can be tried, nor prejudice or diminish in any respect the obligation to establish by evidence according to law any acts, omissions, or intentions which are legally necessary to constitute the offence with which the person accused is charged, nor otherwise affect the laws of evidence in criminal cases.
- (2) In this Act, unless the context otherwise requires, the expression "the court" means the court before which any indictable offence is tried or prosecuted.
- (3) The provisions of this Act relating to indictments shall apply to criminal informations in the High Court and inquisitions, and also to any plea, replication, or other criminal pleading, with such modifications as may be made by rules under this Act.

## **9 Repeal, extent, short title, and commencement**

- (1) The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.
- (2) This Act shall not extend to Scotland or Ireland.
- (3) This Act may be cited as the Indictments Act, 1915.
- (4) This Act shall come into operation on the first day of April nineteen hundred and sixteen, but shall not apply to indictments in the case of persons committed for trial before that date, or to the trial of any such person.