



# Indictments Act (Northern Ireland) 1945

## 1945 CHAPTER 16

### **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 may 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.
- (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 ...<sup>F1</sup> presented ...<sup>F1</sup> 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 or counts 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

---

**Changes to legislation:** There are currently no known outstanding effects for the  
Indictments Act (Northern Ireland) 1945, Section 5. (See end of Document for details)

---

- (c) the court may make such order 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.

**F1** [1969 c.15 \(NI\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Indictments Act (Northern Ireland) 1945, Section 5.