



# Indictments Act 1915

## 1915 CHAPTER 90 5 and 6 Geo 5

An Act to amend the Law relating to Indictments in Criminal Cases, and matters incidental or similar thereto. [23rd December 1915]

### 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 . . . <sup>F1</sup> under this Act.

#### Textual Amendments

**F1** Words repealed by [Criminal Justice Administration Act 1956 \(c. 34\), s. 19\(4\)\(b\)](#)

### 2 Powers of rule committee.

(1) . . . . . <sup>F2</sup>

(2) [<sup>F3</sup>The Criminal Procedure Rule Committee] shall have power from time to time, . . . <sup>F4</sup> 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) . . . . . <sup>F5</sup>

(4) . . . . . <sup>F6</sup>

#### Textual Amendments

**F2** S. 2(1) repealed by [Criminal Justice Administration Act 1956 \(c. 34\), s. 19\(4\)\(b\)](#)

**F3** Words in s. 2(2) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 67](#); S.I. 2004/2066, art. 2(c)(i) (with art. 3)

**F4** Words repealed by [Criminal Justice Administration Act 1956 \(c. 34\), s. 19\(4\)\(b\)](#)

**F5** S. 2(3) repealed by [Courts Act 1971 \(c. 23\) Sch. 11 Pt. IV](#)

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*Changes to legislation:* There are currently no known outstanding effects for the Indictments Act 1915. (See end of Document for details)

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**F6** S. 2(4) repealed by [Criminal Justice Administration Act 1956 \(c. 34\) s. 19\(4\)\(b\)](#)

**Modifications etc. (not altering text)**

**C1** Power to extend s. 2 conferred by [Criminal Justice Act 1925 \(c. 86\), s. 33\(4\)](#)

**C2** S. 2 amended by [Courts Act 1971 \(c. 23\), Sch. 8 para. 17\(2\)](#)

### 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 . . . <sup>F7</sup> for more than one misdemeanour . . . <sup>F7</sup>, may be joined in the same indictment, . . . <sup>F7</sup>

**Textual Amendments**

**F7** Words repealed by [Criminal Law Act 1967 \(c. 58\), Sch. 3 Pt. III](#)

### 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 . . . <sup>F8</sup>.
- (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.

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- (5) Where an order of the court is made under this section for a separate trial or for the postponement of a trial—
- <sup>F9</sup>(a) if such an order is made during a trial the court may order that the jury [<sup>F9</sup>(if there is one)] 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
  - <sup>F10</sup>(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 [<sup>F10</sup>under paragraph (a)]) as if the trial had not commenced; and
  - (c) the court may make such order . . . <sup>F11</sup>as to [<sup>F12</sup>granting the accused person 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.

**Textual Amendments**

- F8** Words repealed by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 31(6), **Sch. 2**
- F9** Words in s. 5(5)(a) substituted (24.7.2006 for E.W., 8.1.2007 in so far as not already in force) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 36 para. 40(2)**; S.I. 2006/1835, art. 2(h); S.I. 2006/3422, art. 2(c)(i)
- F10** Words in s. 5(5)(b) inserted (24.7.2006 for E.W., 8.1.2007 in so far as not already in force) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 36 para. 40(3)**; S.I. 2006/1835, art. 2(h); S.I. 2006/3422, art. 2(c)(i)
- F11** Words repealed by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 31(6), **Sch. 2**
- F12** Words substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 8**

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

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**Textual Amendments**

- F13** S. 6 repealed by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 31(6), **Sch. 2**

**7 Saving.**

Nothing in this Act shall prevent an indictment being open to objection if it contravenes or fails to comply with . . . <sup>F14</sup>any other enactment: . . . <sup>F14</sup>

**Textual Amendments**

- F14** Words repealed by [Administration of Justice \(Miscellaneous Provisions\) Act 1933 \(c. 36\)](#), **Sch. 3**

**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

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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 . . . <sup>F15</sup> any plea, replication, or other criminal pleading, with such modifications as may be made by rules under this Act.

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**Textual Amendments**

**F15** Words repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#) and [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 13](#)

**9 †Repeal, extent, short title and commencement.**

- (1) . . . . . <sup>F16</sup>
- (2) This Act shall not extend to Scotland or Ireland.
- (3) This Act may be cited as the Indictments Act, 1915.
- (4) . . . . . <sup>F16</sup>

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**Textual Amendments**

**F16** [S. 9\(1\)\(4\)](#) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

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**Modifications etc. (not altering text)**

**C3** Unreliable marginal note

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F17F17 SCHEDULE 1

Textual Amendments

F17 Sch. 1 repealed by S.I. 1971/1253, r. 2

..... F17

F18F18 SCHEDULE 2

Textual Amendments

F18 Sch. 2 repealed by Statute Law Revision Act 1927 (c. 42)

..... F18

**Changes to legislation:**

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