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SCHEDULES.

FIRST SCHEDULE

Sections 1, 2(2).

RULES

Material, &c. for indictments.

- 1 (1) An indictment may be on parchment or durable paper, and may be either written or printed, or partly written and partly printed.
- (2) Each sheet on which an indictment is set out shall be not more than 12 and not less than 6 inches in length, and not more than 14 and not less than 12 inches in width, and if more than one sheet is required, the sheets shall be fastened together in book form.
- (3) A proper margin not less than 3 inches in width shall be kept on the left-hand side of each sheet.
- (4) Figures and abbreviations may be used in an indictment for expressing anything which is commonly expressed thereby.
- (5) There shall be endorsed on the back of an indictment the name of every witness examined or intended to be examined by the grand jury, and the foreman of the grand jury shall write his initials against the name of each witness so examined.
- (6) An indictment shall not be open to objection by reason only of any failure to comply with this rule.

Commencement of the indictment.

- 2 The commencement of the indictment shall be in the following form :—

The King v. *A.B.*
COURT OF TRIAL [e.g., *Central Criminal Court*, [or] *In the High Court of Justice, King's Bench Division*, [or] *Durham County Assizes held at Durham*, [or] *Hants Quarter Sessions held at Winchester*].

PRESENTMENT OF THE GRAND JURY.

A.B. is charged with the following offence [offences] :—

Joining of charges in one indictment.

- 3 Charges for any offences, whether felonies or misdemeanours, may be joined in the same indictment if those charges are founded on the same facts, or form or are a part of a series of offences of the same or a similar character.

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Mode in which offences are to be charged.

- 4 (1) A description of the offence charged in an indictment, or where more than one offence is charged in an indictment, of each offence so charged, shall be set out in the indictment in a separate paragraph called a count.
- (2) A count of an indictment shall commence with a statement of the offence charged, called the statement of offence.
- (3) The statement of offence shall describe the offence shortly in ordinary language, avoiding as far as possible the use of technical terms, and without necessarily stating all the essential elements of the offence, and if the offence charged is one created by statute, shall contain a reference to the section of the statute creating the offence.
- (4) After the statement of the offence, particulars of such offence shall be set out in ordinary language, in which the use of technical terms shall not be necessary :
- Provided that where any rule of law or any statute limits the particulars of an offence which are required to be given in an indictment, nothing in this rule shall require any more particulars to be given than those so required.
- (5) The forms set out in the appendix to these rules or forms conforming thereto as nearly as may be shall be used in cases to which they are applicable, and in other cases forms to the like effect or conforming thereto as nearly as may be shall be used, the statement of offence and the particulars of offence being varied according to the circumstances in each case.
- (6) Where an indictment contains more than one count, the counts shall be numbered consecutively.

Provisions as to statutory offences.

- 5 (1) Where an enactment constituting an offence states the offence to be the doing or the omission to do any one of any different acts in the alternative, or the doing or the omission to do any act in any one of any different capacities, or with any one of any different intentions, or states any part of the offence in the alternative, the acts, omissions, capacities, or intentions, or other matters stated in the alternative in the enactment, may be stated in the alternative in the count charging the offence.
- (2) It shall not be necessary, in any count charging a statutory offence, to negative any exception or exemption from or qualification to the operation of the statute creating the offence.

Description of property.

- 6 (1) The description of property in a count in an indictment shall be in ordinary language and such as to indicate with reasonable clearness the property referred to, and if the property is so described it shall not be necessary (except when required for the purpose of describing an offence depending on any special ownership of property or special value of property) to name the person to whom the property belongs or the value of the property.
- (2) Where property is vested in more than one person, and the owners of the property are referred to in an indictment it shall be sufficient to describe the property as owned by one of those persons by name with others, and if the persons owning the property are a body of persons with a collective name, such as " Inhabitants," " trustees,"

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" Commissioners," or " Club" or other such name, it shall be sufficient to use the collective name without naming any individual.

Description of persons.

- 7 The description or designation in an indictment of the accused person, or of any other person to whom reference is made therein, shall be such as is, reasonably sufficient to identify him, without necessarily stating his correct name, or his abode, style, degree, or occupation ; and if, owing to the name of the person not being known, or for any other reason, it is impracticable to give such a description or designation, such description or designation shall be given as is reasonably practicable in the circumstances, or such person may be described as " a person unknown."

Description of document.

- 8 Where it is necessary to refer to any document or instrument in an indictment, it shall be sufficient to describe it by any name or designation by which it is usually known, or by the purport thereof, without setting out any copy thereof.

General rule as to description.

- 9 Subject to any other provisions of these rules, it shall be sufficient to describe any place, time, thing, matter, act, or omission whatsoever to which it is necessary to refer in any indictment, in ordinary language in such a manner as to indicate with reasonable clearness the place, time, thing, matter, act or omission referred to.

Statement of intent.

- 10 It shall not be necessary in stating any intent to defraud, deceive or injure to state an intent to defraud, deceive or injure any particular person where the statute creating the offence does not make an intent to defraud, deceive or injure a particular person an essential ingredient of the offence.

Charge of previous convictions, &c.

- 11 Any charge of a previous conviction of an offence or of being a habitual criminal or a habitual drunkard shall be charged at the end of the indictment by means of a statement—in the case of a previous conviction that the person accused has been previously convicted of that offence at a certain time and place without stating the particulars of the offence, and in the case of a habitual criminal or habitual drunkard, that the offender is a habitual criminal or a habitual drunkard, as the case may be.

Saving of s. 32(4) of 8 Edw. 7. c.67.

- 12 Nothing in these rules or in any rules made under section two of this Act shall affect the provisions of subsection (4) of section thirty-two of the Children Act, 1908.

Duty to furnish copy of indictment.

- 13 (1) It shall be the duty of the clerk of assize, after a true bill has been found on any indictment, to supply to the accused person, on request, a copy of the indictment free of charge.

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- (2) The cost of any copy supplied to the accused person whether under this rule or otherwise shall be treated as part of the costs of the prosecution for the purpose of section one of the Costs in Criminal Cases Act, 1908.
- (3) In the application of this rule to quarter sessions, the clerk of the peace shall be substituted for the clerk of assize.

Interpretation.

- 14 The Interpretation Act, 1889, applies for the interpretation of these rules, as it applies for the interpretation of an Act of Parliament.

Short title.

- 15 These rules may be cited as the Indictment rules, 1915, and these rules, together with any rules made under section two of this Act, may be cited together by such collective title as may be prescribed by the last-mentioned rules.

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APPENDIX TO RULES
FORMS OF INDICTMENT

1.

STATEMENT OF OFFENCE.

Murder.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county
of , murdered *J.S.*

2.

STATEMENT OF OFFENCE.

Accessory after the fact to murder.

PARTICULARS OF OFFENCE.

A.B., well knowing that one, *H.C.*, did on the day of
 in the county of murder *C.C.*, did on the
day of in the county of and on other days there-
after receive, comfort, harbour, assist and maintain the said *H.C.*

3.

STATEMENT OF OFFENCE.

Manslaughter.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of
unlawfully killed *J.S.*

4.

STATEMENT OF OFFENCE.

Rape.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of
had carnal knowledge of *E.F.* without her consent.

5.

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STATEMENT OF OFFENCE.

First Count.

Wounding with intent, contrary to section 18 of the Offences against the Person Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , wounded *C.D.*, with intent to do him grievous bodily harm, or to maim, disfigure, or disable him, or to resist the lawful apprehension of him the said *A.B.*

STATEMENT OF OFFENCE.

Second Count.

Wounding, contrary to section 20 of the Offences against the Person Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , maliciously wounded *C.D.*

6.

STATEMENT OF OFFENCE.

Cruelty to a child, contrary to section 12 of the Children Act, 1908.

PARTICULARS OF OFFENCE.

A.B., between the day of and the day of , in the county of , being a person over

the age of sixteen years having the custody, charge, or care of *C.D.*, a child, ill-treated or neglected the said child, or caused or procured the said child to be ill-treated or neglected in a manner likely to cause the said child unnecessary suffering or injury to its health.

7.

STATEMENT OF OFFENCE.

Larceny, contrary to section 67 of the Larceny Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , being clerk or servant to *M.N.*, stole from the said *M.N.* ten yards of cloth.

8.

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STATEMENT OF OFFENCE.

Robbery with violence, contrary to section 42 of the Larceny Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , robbed *C.D.* of a watch, and at the time of or immediately before or immediately after such robbery did use personal violence to the said *C.D.*

9.

STATEMENT OF OFFENCE.

First Count.

Larceny after a previous conviction.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , stole a bag, the property of *C.D.*
A.B. has been previously convicted of burglary on the day of , at the assizes held at Reading.

STATEMENT OF OFFENCE.

Second Count.

Receiving stolen goods, contrary to section 91 of the Larceny Act, 1861.

PARTICULARS OF OFFENCE.

A.B. on the day of , in the county of , did receive a bag, the property of *C.D.*, knowing the same to have been stolen.

10.

STATEMENT OF OFFENCE.

Burglary and larceny, contrary to section 60 of the Larceny Act, 1861.

PARTICULARS OF OFFENCE.

A.B., in the night of the day of , in the county of , did break and enter the dwelling-house of *C.D.* with intent to steal therein, and did steal therein one watch, the property of *S.T.*, the said watch being of the value of ten pounds.

11.

STATEMENT OF OFFENCE.

Sending threatening letter, contrary to section 46 of the Larceny Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , sent, delivered or uttered to or caused to be received by *C.D.*, a letter accusing or threatening to accuse the said *C.D.* of an infamous crime with intent to extort money from the said *C.D.*

12.

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STATEMENT OF OFFENCE.

Obtaining goods by false pretences, contrary to section 88 of the Larceny Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , with intent to defraud, obtained from *S.P.* five yards of cloth by falsely pretending that he, the said *A.B.*, was a servant to *J.S.*, and that he, the said *A.B.*, had then been sent by the said *J.S.*, to *S.P.* for the said cloth, and that he, the said *A.B.*, was then authorised by the said *J.S.* to receive the said cloth on behalf of the said *J.S.*

13.

STATEMENT OF OFFENCE.

Conspiracy to defraud.

PARTICULARS OF OFFENCE.

A.B. and *C.D.* on the day of and on divers days between that day and the day of , in the county of , conspired together with intent to defraud by means of an advertisement inserted by them, the said *A.B.* and *C.D.*, in the *H.S.* newspaper, falsely representing that *A.B.* and *C.D.* were then carrying on a genuine business as jewellers at in the county of , and that they were then able to supply certain articles of jewellery to whomsoever would remit to them the sum of two pounds.

14.

STATEMENT OF OFFENCE.

First Count.

Arson, contrary to section 2 of the Malicious Damage Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , maliciously set fire to a dwelling-house, one *F.G.* being therein.

STATEMENT OF OFFENCE.

Second Count.

Arson, contrary to section 3 of the Malicious Damage Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , maliciously set fire to a house with intent to injure or defraud.

15.

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STATEMENT OF OFFENCES.

A.B., arson, contrary to section 3 of the Malicious Damage Act, 1861 ;
C.D., accessory before the fact to same offence.

PARTICULARS OF OFFENCES.

A.B., on the day of , in the county of ,
set fire to a house with intent to injure or defraud.
C.D., on the same day, in the county of , did counsel,
procure, and command the said *A.B.* to commit the said offence.

16.

STATEMENT OF OFFENCE.

First Count.

Offence under section 35 of the Malicious Damage Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of ,
displaced a sleeper belonging to the Great Western Railway with intent
to obstruct, upset, overthrow, injure, or destroy any engine, tender,
carriage or truck using the said railway.

STATEMENT OF OFFENCE.

Second Count.

Obstructing railway, contrary to section 36 of the Malicious Damage
Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of ,
by unlawfully displacing a sleeper belonging to the Great Western
Railway did obstruct or cause to be obstructed an engine or carriage
using the said railway.

17.

STATEMENT OF OFFENCE.

Damaging trees, contrary to section 22 of the Malicious Damage Act,
1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of ,
maliciously damaged an oak tree there growing.
A.B. has been twice previously convicted of an offence under section 22
of the Malicious Damage Act, 1861, namely, at , on
the day of , and at , on the
day of .

18.

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STATEMENT OF OFFENCE.

First Count.

Forgery, contrary to section 2 (1) (a) of the Forgery Act, 1913.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of ,
 with intent to defraud, forged a certain will purporting to be the will
 of *C.D.*

STATEMENT OF OFFENCE.

Second Count.

Uttering forged document, contrary to section 6 (1) (2) of the Forgery
 Act, 1913.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of ,
 uttered a certain forged will purporting to be the will of *C.D.*, knowing
 the same to be forged and with intent to defraud.

19.

STATEMENT OF OFFENCE.

Uttering counterfeit coin, contrary to section 9 of the Coinage Offences
 Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , at the public-house
 called "The Red Lion," in the county of , uttered a
 counterfeit half-crown, knowing the same to be counterfeit.

20.

STATEMENT OF OFFENCE.

Uttering counterfeit coin, contrary to section 12 of the Coinage
 Offences Act, 1861.

PARTICULARS OF OFFENCE.

A.B., on the day of , at a public-house called
 "The Red Lion," in the county of , uttered a counterfeit
 sovereign, knowing the same to be counterfeit.

A.B. has been previously convicted of a misdemeanour under section 9
 of the Coinage Offences Act, 1861, on the day of
 at .

21.

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STATEMENT OF OFFENCE.

Perjury, contrary to section (1) (i) of the Perjury Act, 1911.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of ,
being a witness upon the trial of an action in the Chancery Division of
the High Court of Justice in England, in which one, , was
plaintiff, and one, , was defendant, knowingly falsely swore
that he saw one, *M.V.*, in the street called the Strand, London, on the
day of .

22.

STATEMENT OF OFFENCE.

Libel.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of ,
published a defamatory libel concerning *E.F.*, in the form of a letter
[book, pamphlet, picture, or as the case may be].
[Innuendo should be stated where necessary.]

23.

STATEMENT OF OFFENCE.

First Count.

Publishing obscene libel.

PARTICULARS OF OFFENCE.

E.M., on the day of , in the county of ,
sold, uttered, and published and caused or procured to be sold, uttered,
and published an obscene libel the particulars of which are deposited with
this indictment.

[Particulars to specify pages and lines complained of where necessary,
as in a book.]

STATEMENT OF OFFENCE.

Second Count.

Procuring obscene libel [or thing] with intent to sell or publish.

PARTICULARS OF OFFENCE.

E.M., on the day of , in the county of ,
procured an obscene libel [or thing], the particulars of which are deposited
with this indictment, with intent to sell, utter or publish such obscene
libel [or thing].

24.

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STATEMENT OF OFFENCES.

A.B., undischarged bankrupt, obtaining credit, contrary to section 155 (a) of the Bankruptcy Act, 1914 ;
C.D., being accessory to same offence.

PARTICULARS OF OFFENCES.

A.B., on the day of , in the county of , being an undischarged bankrupt obtained credit to the extent of twelve pounds from *H.S.* without informing the said *H.S.* that he then was an undischarged bankrupt.

C.D. at the same time and place did aid, abet, counsel, and procure *A.B.* to commit the said offence.

25.

STATEMENT OF OFFENCE.

First Count.

Falsification of accounts, contrary to section 1 of Falsification of Accounts Act, 1875.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , being clerk or servant to *C.D.*, with intent to defraud, made or concurred in making a false entry in a cash book belonging to the said *C.D.*, his employer, purporting to show that on the said day 100*l.* had been paid to *L.M.*

STATEMENT OF OFFENCE.

Second Count.

Same as first count.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , being clerk or servant to *C.D.*, with intent to defraud, omitted or concurred in omitting from or in a cash book belonging to the said *C.D.*, his employer, a material particular, that is to say, the receipt on the said day of 50*l.* from *H.S.*

26.

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STATEMENT OF OFFENCE.

First Count.

Fraudulent conversion of property, contrary to section 1 (1) (a) of Larceny Act, 1901.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , fraudulently converted to his own use and benefit certain property, that is to say, 100*l.* entrusted to him by *H.S.* in order that he, the said *A.B.*, might retain the same in safe custody.

STATEMENT OF OFFENCE.

Second Count.

Fraudulent conversion of property, contrary to section 1 (1) (b) of Larceny Act, 1901.

PARTICULARS OF OFFENCE.

A.B., on the day of , in the county of , fraudulently converted to his own use and benefit certain property, that is to say, the sum of 200*l.* received by him for and on account of *L.M.*
