



Criminal Law Act 1967

1967 CHAPTER 58

PART I

FELONY AND MISDEMEANOUR

6 Trial of offences.

- (1) Where a person is arraigned on an indictment—
 - (a) he shall in all cases be entitled to make a plea of not guilty in addition to any demurrer or special plea;
 - (b) he may plead not guilty of the offence specifically charged in the indictment but guilty of another offence of which he might be found guilty on that indictment;
 - (c) if he stands mute of malice or will not answer directly to the indictment, the court may order a plea of not guilty to be entered on his behalf, and he shall then be treated as having pleaded not guilty.
- (2) On an indictment for murder a person found not guilty of murder may be found guilty—
 - (a) of manslaughter, or of causing grievous bodily harm with intent to do so; or
 - (b) of any offence of which he may be found guilty under an enactment specifically so providing, or under section 4(2) of this Act; or
 - (c) of an attempt to commit murder, or of an attempt to commit any other offence of which he might be found guilty;but may not be found guilty of any offence not included above.
- (3) Where, on a person's trial on indictment for any offence except treason or murder, the jury find him not guilty of the offence specifically charged in the indictment, but the allegations in the indictment amount to or include (expressly or by implication) an allegation of another offence falling within the jurisdiction of the court of trial, the jury may find him guilty of that other offence or of an offence of which he could be found guilty on an indictment specifically charging that other offence.

Changes to legislation: There are currently no known outstanding effects for the Criminal Law Act 1967, Section 6. (See end of Document for details)

- [^{F1}(3A) For the purposes of subsection (3) above an offence falls within the jurisdiction of the court of trial if it is an offence to which section 40 of the Criminal Justice Act 1988 applies (power to join in indictment count for common assault etc.), even if a count charging the offence is not included in the indictment.
- (3B) A person convicted of an offence by virtue of subsection (3A) may only be dealt with for it in a manner in which a magistrates' court could have dealt with him.]
- (4) For purposes of subsection (3) above any allegation of an offence shall be taken as including an allegation of attempting to commit that offence; and where a person is charged on indictment with attempting to commit an offence or with any assault or other act preliminary to an offence, but not with the completed offence, then (subject to the discretion of the court to discharge the jury[^{F2}or otherwise act] with a view to the preferment of an indictment for the completed offence) he may be convicted of the offence charged notwithstanding that he is shown to be guilty of the completed offence.
- (5) Where a person arraigned on an indictment pleads not guilty of an offence charged in the indictment but guilty of some other offence of which he might be found guilty on that charge, and he is convicted on that plea of guilty without trial for the offence of which he has pleaded not guilty, then (whether or not the two offences are separately charged in distinct counts) his conviction of the one offence shall be an acquittal of the other.
- (6) Any power to bring proceedings for an offence by criminal information in the High Court is hereby abolished.
- (7) Subsections (1) to (3) above shall apply to an indictment containing more than one count as if each count were a separate indictment.

Textual Amendments

- F1** S. 6(3A)(3B) inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), **ss. 11, 60**; [S.I. 2005/579](#), art. 3(a)
- F2** Words in s. 6(4) 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. 41**; [S.I. 2006/1835](#), art. 2(h); [S.I. 2006/3422](#), art. 2(c)(i)

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