
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 14

THE INDICTMENT

Form and content of indictment

14.2.—(1) An indictment must be in one of the forms set out in the Practice Direction and must contain, in a paragraph called a ‘count’—

- (a) a statement of the offence charged that—
 - (i) describes the offence in ordinary language, and
 - (ii) identifies any legislation that creates it; and
- (b) such particulars of the conduct constituting the commission of the offence as to make clear what the prosecutor alleges against the defendant.

(2) More than one incident of the commission of the offence may be included in a count if those incidents taken together amount to a course of conduct having regard to the time, place or purpose of commission.

(3) An indictment may contain more than one count if all the offences charged—

- (a) are founded on the same facts; or
- (b) form or are a part of a series of offences of the same or a similar character.

(4) The counts must be numbered consecutively.

(5) An indictment may contain—

- (a) any count charging substantially the same offence as one—
 - (i) specified in the notice of the offence or offences for which the defendant was sent for trial,
 - (ii) on which the defendant was committed for trial, or
 - (iii) specified in the notice of transfer given by the prosecutor; and
- (b) any other count based on the prosecution evidence already served which the Crown Court may try.

[Note. In certain circumstances the Crown Court may try a defendant for an offence other than one sent, committed or transferred for trial: see section 2(2) of the Administration of Justice (Miscellaneous Provisions) Act 1933 (indictable offences founded on the prosecution evidence on which the sending, committal or transfer was based) and section 40 of the Criminal Justice Act 1988(1)(specified summary offences founded on that evidence).]

(1) 1988 c. 33; section 40 was amended by section 4 of, and paragraph 39 of Schedule 3 to, the Road Traffic (Consequential Provisions) Act 1988 (c. 54), section 168 of, and paragraph 35 of Schedule 9 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 47 of, and paragraph 34 of Schedule 1 to, the Criminal Procedure and Investigations Act 1996 (c. 25), section 119 of, and paragraph 66 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37) and section 41 of, and

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paragraph 60 of Schedule 3 to the Criminal Justice Act 2003 (c. 44). It is further amended by sections 41 and 332 of, and paragraph 60 of Schedule 3 and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.