
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 10

THE INDICTMENT

The indictment: general rules

10.2.—(1) The indictment on which the defendant is arraigned under rule 3.32 (Arraigning the defendant on the indictment) must be in writing 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) The counts must be numbered consecutively.

(4) An indictment may contain—

- (a) any count charging substantially the same offence as one for which the defendant was sent for trial;
- (b) any count contained in a draft indictment served with the permission of a High Court judge or at the direction of the Court of Appeal; and
- (c) any other count charging an offence that the Crown Court can try and which is based on the prosecution evidence that has been served, including a summary offence to which section 40 of the Criminal Justice Act 1988 applies.

(5) For the purposes of section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933—

- (a) a draft indictment constitutes a bill of indictment; and
- (b) the draft, or bill, is preferred before the Crown Court and becomes the indictment—
 - (i) where rule 10.3 applies (Draft indictment generated electronically on sending for trial), immediately before the first count (or the only count, if there is only one) is read to or placed before the defendant to take the defendant’s plea under rule 3.32(1)(d),
 - (ii) when the prosecutor serves the draft indictment on the Crown Court officer, where rule 10.4 (Draft indictment served by the prosecutor after sending for trial), rule 10.5 (Draft indictment served by the prosecutor with a High Court judge’s permission), rule 10.7 (Draft indictment served by the prosecutor on re-instituting proceedings)

or rule 10.8 (Draft indictment served by the prosecutor at the direction of the Court of Appeal) applies, or

(iii) when the Crown Court approves the proposed indictment, where rule 10.6 applies (Draft indictment approved by the Crown Court with deferred prosecution agreement).

(6) An indictment must be in one of the forms set out in the Practice Direction unless—

- (a) rule 10.3 applies; or
- (b) the Crown Court otherwise directs.

(7) Unless the Crown Court otherwise directs, the court officer must—

- (a) endorse any paper copy of the indictment made for the court with—
 - (i) a note to identify it as a copy of the indictment, and
 - (ii) the date on which the draft indictment became the indictment under paragraph (5); and
- (b) where rule 10.4, 10.5, 10.7 or 10.8 applies, serve a copy of the indictment on all parties.

(8) The Crown Court may extend the time limit under rule 10.4, 10.5, 10.7 or 10.8, even after it has expired.

[Note. Under section 2(6) of the Administration of Justice (Miscellaneous Provisions) Act 1933, Criminal Procedure Rules may provide for the manner in which and the time at which 'bills of indictment' are to be 'preferred'.

Under rule 3.29 (Application for joint or separate trials, etc.), the court may order separate trials of counts in the circumstances listed in that rule.]