

1971 No. 1253 (L.31)

CRIMINAL PROCEDURE, ENGLAND AND WALES

The Indictment Rules 1971

<i>Made</i>	- - -	23rd July 1971
<i>Laid before Parliament</i>		6th August 1971
<i>Coming into Operation</i>		1st October 1971

We, the Rule Committee of the Supreme Court, in exercise of the powers conferred on us by section 19 of the Criminal Justice Administration Act 1956(a), hereby make the following rules under the Indictments Act 1915(b):—

1. These Rules may be cited as the Indictment Rules 1971 and shall come into operation on 1st October 1971.

2.—(1) The rules contained in Schedule 2 to these Rules are hereby revoked.

(2) Any reference in any statutory instrument to a rule contained in the rules revoked by these Rules shall, if there is a corresponding rule in these Rules, be construed as a reference to that corresponding rule.

3. The Interpretation Act 1889(c) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

4.—(1) An indictment shall be in the form in Schedule 1 to these Rules or in a form substantially to the like effect.

(2) Where more than one offence is charged in an indictment, the statement and particulars of each offence shall be set out in a separate paragraph called a count, and rules 5 and 6 of these Rules shall apply to each count in the indictment as they apply to an indictment where one offence is charged.

(3) The counts shall be numbered consecutively.

5.—(1) Subject only to the provisions of rule 6 of these Rules, every indictment shall contain, and shall be sufficient if it contains, a statement of the specific offence with which the accused person is charged describing the offence shortly, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

(2) An indictment for a specific offence shall not be open to objection in respect of its form if it is framed in accordance with a form of indictment for that offence for the time being approved by the Lord Chief Justice.

(a) 1956 c. 34.

(b) 1915 c. 90.

(c) 1889 c. 63.

6. Where the specific offence with which an accused person is charged in an indictment is one created by or under an enactment, then (without prejudice to the generality of rule 5 of these Rules)—

(a) the statement of offence shall contain a reference to—

- (i) the section of, or the paragraph of the Schedule to, the Act creating the offence in the case of an offence created by a provision of an Act ;
- (ii) the provision creating the offence in the case of an offence created by a provision of a subordinate instrument ;

(b) the particulars shall disclose the essential elements of the offence :

Provided that an essential element need not be disclosed if the accused person is not prejudiced or embarrassed in his defence by the failure to disclose it ;

(c) it shall not be necessary to specify or negative an exception, exemption, proviso, excuse or qualification.

7. Where an offence created by or under an enactment 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 or subordinate instrument may be stated in the alternative in an indictment charging the offence.

8. It shall be sufficient in an indictment to describe a person whose name is not known as a person unknown.

9. Charges for any offences 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.

10.—(1) A person charged on indictment shall, if he so requests, be supplied by the proper officer of the court of trial with a copy of the indictment free of charge.

(2) The cost of supplying a person charged on indictment with a copy of the indictment shall be treated as part of the costs of the prosecution for the purpose of section 1 of the Costs in Criminal Cases Act 1952(a).

Dated 23rd July 1971.

*Hailsham of St. Marylebone, C.
Widgery, C. J.
Denning, M. R.
George Baker, P.
Cyril Salmon, L. J.
John Pennycuik, V.-C.
James Fox-Andrews.
J. H. Buzzard.
Oliver Lodge.
Glanville Davies.
H. Montgomery-Campbell.*

SCHEDULE 1

Rule 4(1)

INDICTMENT

COURT OF TRIAL

THE QUEEN V.

charged as follows:—

STATEMENT OF OFFENCE

PARTICULARS OF OFFENCE

Date.....

.....
Appropriate officer of the court

SCHEDULE 2

Rule 2

RULES REVOKED

Rules	References
The Indictment Rules 1915	Scheduled to the Indictments Act 1915 (c.90).
The Indictment Rules 1916	S.R. & O. 1916/282 (Rev. V, p. 331: 1916 I, p. 130).
The Indictment (Criminal Informations and Inquisitions) Rules 1916	S.R. & O. 1916/323 (Rev. V, p. 335: 1916 I, p. 134).
The Indictment Rules 1923	S.R. & O. 1923/1364 (Rev. V, p. 336: 1923, p. 193).
The Indictment Rules 1957	S.I. 1957/669 (1957 I, p. 533).

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules revoke and replace the Indictment Rules 1915 as amended. The forms of indictment set out in the Appendix to the rules of 1915 have not been reproduced. Instead a standard form of indictment has been prescribed and provision has been made in rule 5(2) of these Rules for specimen forms of indictment to be approved by the Lord Chief Justice. The substance of the rules of 1915 have been reproduced though unnecessary matter has been omitted.