

SCHEDULE 1

CHARGES AND JOINDER

PART I

RULES

1.—(1) A charge sheet shall be in the form specified in Part II of this Schedule or in a form substantially to the like effect.

(2) Where more than one offence is charged in a charge sheet, the statement and particulars of each offence shall be set out in a separate paragraph called a charge, and paragraphs 2 and 3 of this Part shall apply to each charge in the charge sheet as they apply to a charge sheet where one offence is charged.

(3) The charges shall be numbered consecutively.

2.—(1) Subject only to the provisions of paragraph 3 of this Part, every charge sheet 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) A charge sheet for a specific offence shall not be open to objection in respect of its form if it is framed in accordance with this Schedule.

3. Where the specific offence with which an accused person is charged in a charge sheet is one created by or under an enactment, then (without prejudice to the generality of paragraph 2 of this Part)—

- (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.

4. 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 a charge sheet charging the offence.

5. It shall be sufficient in a charge sheet to describe a person whose name is not known as a person unknown.

6.—(1) Subject to sub-paragraphs (2) and (3) below, charges for any offences may be joined in the same charge sheet 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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(2) An offence under section 37(1)(1) (desertion), section 38(2) (absence without leave) or section 56 (escape from confinement) of the Act may be included in any charge sheet.

(3) An offence under section 46(1)(3) (offences relating to issues and decorations) of the Act may be included in any charge sheet where it arises in connection with a charge under section 37(1) or 38 of the Act.

7. Where the offence charged is one which can be committed in circumstances involving either a higher or a lower degree of punishment, the charge shall state the facts which it is intended to prove as rendering the accused liable to the higher degree of punishment if convicted.

8. Where the offence charged is one which may render the accused liable to the punishment of stoppages, the charge shall state any additional facts which it is intended to prove as rendering the accused liable to that punishment if convicted.

(1) Section 37(1) was substituted by the Armed Forces Act 1971 (c. 33), section 11.
(2) Section 38 was substituted by the Armed Forces Act 1971, section 12.
(3) Section 46 was substituted by the Armed Forces Act 1971, section 17.