Indictments Act (Northern Ireland) 1945

1945 CHAPTER 16

An Act to amend the law relating to indictments in criminal cases, and for purposes connected with the said matter. [13th December 1945]

Ss.1,2 rep. by 1978 c.23

3 General provisions as to indictments.

(1) Every indictment shall contain, and shall be sufficient if it contains, a statement of the specific offence or offences with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

(2) Notwithstanding any rule of law or practice, an indictment shall, subject to the provisions of this Act, not be open to objection in respect of its form or contents if it is framed in accordance with [F1 Crown Court Rules].

F1 1978 c.23

4 Joinder of charges in the same indictment.

Subject to the provisions of the rules under this Act, charges …F2 for more than one misdemeanour …F2 may be joined in the same indictment, …F2.

F2 1967 c.18 (NI)

5 Orders for amendment of indictment, separate trial, and postponement of trial.

(1) Where, before trial, or at any stage of a trial, it appears to the court that the indictment is defective, the court may make such order for the amendment of the indictment as the court thinks necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without injustice.

(2) Where an indictment is so amended, a note of the order for amendment shall be endorsed on the indictment, and the indictment shall be treated for the purposes of the trial and for the purposes of all proceedings in connection therewith as having been …[F3] presented …[F3] in the amended form.

(3) Where, before trial, or at any stage of a trial, the court is of opinion that a person accused may be prejudiced or embarrassed in his defence by reason of being charged with more than one offence in the same indictment, or that for any other reason it is desirable to direct that the person should be tried separately for any one or more offences charged in an indictment, the court may order a separate trial of any count or counts of such indictment.

(4) Where, before trial, or at any stage of a trial, the court is of opinion that the postponement of the trial of a person accused is expedient as a consequence of the exercise of any power of the court under this Act to amend an indictment or to order a separate trial of a count, the court shall make such order as to the postponement of the trial as appears necessary.

(5) Where an order of the court is made under this section for a separate trial or for the postponement of a trial—

(a) if such an order is made during a trial the court may order that the jury are to be discharged from giving a verdict on the count or counts the trial of which is postponed or on the indictment, as the case may be; and

(b) the procedure on the separate trial of a count or counts shall be the same in all respects as if the count had been found in a separate indictment, and the procedure on the postponed trial shall be the same in all respects (if the jury has been discharged) as if the trial had not commenced; and

(c) the court may make such order as to admitting the accused person to bail, and as to the enlargement of recognizances and otherwise as the court thinks fit.

(6) Any power of the court under this section shall be in addition to and not in derogation of any other power of the court for the same or similar purposes.

F3 1969 c.15 (NI)

S.6 rep. by 1969 c.15 (NI)

7 Savings.

Nothing in this Act …[F4] shall affect the law or practice relating to the jurisdiction of a court or the place where an accused person can be tried, or prejudice or diminish in any respect the obligation to establish by evidence according to law any acts, omissions, or intentions which are legally necessary to constitute the offence with which the person accused is charged, or otherwise affect the laws of evidence in criminal cases.

F4 1978 c.23