EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

Rules 1, 2 and 3 amend the Coroners Rules, 1953 (in so far as the latter relate to the adjournment of inquests) in consequence of section 8 of the Road Traffic Act, 1956, which applies section 20 of the Coroners (Amendment) Act, 1926, to offences against the said section 8. Rule 4 requires a coroner to give to a criminal court by or before which a person is tried or charged for murder, manslaughter or infanticide or for an offence against section 8 of the Road Traffic Act, 1956, certain information relating to the inquest on the deceased.

1956 No. 1692

The Coroners (Indictable Offences) Rules, 1956

Made - - - - 26*th October*, 1956
Coming into Operation 1*st December*, 1956

I, the Right Honourable David, Viscount Kilmuir, Lord High Chancellor of Great Britain, in pursuance of the powers conferred upon me by sections twenty-five and twenty-seven of the Coroners (Amendment) Act, 1926(a), do hereby make the Rules herein contained, and the Rules so made by me shall apply to England and Wales with the exception of the county of Lancaster;

And I, the Right Honourable George Nigel, Earl of Selkirk, Chancellor of the Duchy and County Palatine of Lancaster, in pursuance of the powers conferred upon me by the said sections twenty-five and twenty-seven and by section thirty-nine of the Coroners Act, 1887(b), do hereby make the Rules herein contained, and the Rules so made by me shall apply to the county of Lancaster.

1. There shall apply to proceedings in the case of persons charged by a coroner's inquisition with murder, manslaughter or infanticide the provisions of the following enactments, that is to say :—

subsections (2) and (3) of section five of the Magistrates' Courts Act, 1952(c),
subsection (1) of section ten of the said Act, and
subsection (4) of section fourteen of the Criminal Justice Act, 1925(d),

so however that in the application of the said provisions to those proceedings modifications shall be made therein so that the said provisions shall read as set out in the First Schedule hereto.

2. The provisions of Rules 1, 3, 4 (other than paragraph (5) thereof), 5, 7, 8, 9 and 13 of the Rules contained in the First Schedule to the Indictments Act, 1915(e), shall apply to a coroner's inquisition charging a person with murder, manslaughter or infanticide as they apply to an indictment.

3. Where a person is charged by a coroner's inquisition with murder, manslaughter or infanticide, the coroner shall specify in the warrant mentioned in subsection (1) of section five of the Coroners Act, 1887 (hereinafter referred to as "the warrant of commitment") the assizes before which he is to be tried.

4. Where an accused person is committed for trial on bail, the coroner shall, as soon as possible thereafter, forward the warrant of commitment

(a) 16 & 17 Geo. 5. c. 59.
(b) 50 & 51 Vict. c. 71.
(c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
(d) 15 & 16 Geo. 5. c. 86.
(e) 5 & 6 Geo. 5. c. 90.

to the governor of the prison to which persons of the sex of the accused are committed by the coroner if committed in custody for trial.

5. Where an accused person is not admitted to bail, the coroner shall inform him of his right to apply for bail to a judge of the High Court.

6. Where an accused person has been committed for trial in custody, the coroner may, if he thinks fit, at any time before the first sitting of the court before which he is to be tried admit him to bail in accordance with subsection (2) of section five of the Coroners Act, 1887, and inform the governor of the prison to which he was committed in writing thereof.

7.—(1) Where a witness has been bound over conditionally, then if the prosecutor or the accused gives notice, at any time before the opening of the assizes at which the accused is to be tried, to the coroner who committed the accused, or at any time thereafter, to the clerk of assize, that he wishes the witness to attend at the trial, the coroner or the clerk of assize, as the case may be, shall forthwith give notice in writing to the witness that he is required so to attend in pursuance of his recognizance.

(2) A notice under the preceding paragraph shall be served by delivering it to the person to whom it is directed or by leaving it for him with some person at his last known or usual place of abode:

Provided that if time does not permit the notice to be served in that manner, the coroner or the clerk of assize, as the case may be, may notify the witness in such manner as may be most expedient in the circumstances.

(3) When the coroner or the clerk of assize gives notice to a witness under the preceding provisions of this Rule at the instance of the prosecutor, he shall inform the accused thereof; and, when he gives notice at the instance of the accused, he shall inform the prosecutor thereof.

8.—(1) Where a person is charged by a coroner's inquisition with murder, manslaughter or infanticide, the coroner shall, subject to the provisions of section five of the Prosecution of Offences Act, 1879(a) (which relates to the sending of recognizances, inquisitions, depositions and other documents and things to the Director of Public Prosecutions) in addition to the inquisition, depositions and recognizances that he is required to deliver to the proper officer of the court of trial in pursuance of subsection (3) of section five of the Coroners Act, 1887, deliver to the said officer a written statement of the names, addresses and occupations of the witnesses who have been bound over conditionally.

(2) The coroner shall, in compiling the said statement, distinguish the names of the witnesses, if any, to whom he has given any such notice as is referred to in paragraph (1) of Rule 8 of these Rules, and shall include in the statement the date of any such notice.

The coroner shall retain a copy of the statement.

(3) If, after the said statement has been delivered, the coroner gives any such notice as aforesaid, he shall, subject to the provisions of section five of the Prosecution of Offences Act, 1879, send written particulars of the notice to the proper officer of the court of trial.

9. Where a person is charged by a coroner's inquisition with murder, manslaughter or infanticide, the coroner shall forthwith give notice thereof to the Director of Public Prosecutions.

10.—(1) A coroner's inquisition charging a person with murder, manslaughter or infanticide shall be in the form set out in Part I of the Second Schedule to these Rules or in a form to the like effect, with such variations

(a) 42 & 43 Vict. c. 22.

as circumstances may require, and any offence charged in such a coroner's inquisition shall be stated in accordance with the form relating thereto, set out in Part II of the said Schedule, or a form conforming thereto as nearly as may be.

(2) The forms set out in the Third Schedule to these Rules, or forms to the like effect, may be used with such variations as circumstances may render expedient.

11.—(1) In these Rules, unless the context otherwise requires—

" accused " means a person charged by a coroner's inquisition with murder, manslaughter or infanticide ;

" bound over conditionally " means bound over to attend the trial in pursuance of subsection (2) of section five of the Magistrates' Courts Act, 1952, as applied by Rule 1 of these Rules ;

" coroner " includes a deputy and assistant deputy coroner ;

" prosecutor " means the person bound over to prosecute the accused.

(2) The Interpretation Act, 1889(**a**), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

12.—(1) The Indictable Offences (Coroners) Rules, 1927(**b**), and the Indictable Offences (Coroners) (Lancaster) Rules, 1927(**c**), are hereby revoked.

(2) The said Rules shall, notwithstanding the foregoing paragraph of this Rule, apply to an inquest begun before the date on which these Rules come into operation : and these Rules shall not apply thereto.

13. These Rules may be cited as the Coroners (Indictable Offences) Rules, 1956, and shall come into operation on the first day of December, 1956.

Dated the 26th day of October, 1956.

Kilmuir, C.
Selkirk.

FIRST SCHEDULE

Rule 1

Application of Enactments

(A) *Section* 5 (2) *and* (3), *Magistrates' Courts Act*, 1952

" (2) Where any person is charged by a coroner's inquisition with murder, manslaughter or infanticide and it appears to the coroner, after taking into account any representation made by the person charged or the person bound over to prosecute, that the attendance at the trial of the person charged of any witness at the inquest is unnecessary by reason of any statement by the person charged or of the evidence of the witness being merely formal, the coroner shall bind the witness over to attend the trial conditionally, that is to say, on notice being given to him and not otherwise.

(3) Where any person is charged by a coroner's inquisition with murder, manslaughter or infanticide, the coroner shall inform him of his right to require the attendance at the trial of any witness bound over conditionally and of the steps that he must take for the purpose of enforcing the attendance."

(B) *Section* 10 (1), *Magistrates' Courts Act*, 1952

" (1) Where any person is charged by a coroner's inquisition with murder, manslaughter or infanticide, the coroner may, instead of committing him to be tried at the assizes for a place to which but for this subsection he might have

(a) 52 & 53 Vict. c. 63.
(b) S.R. & O. 1927/346 (Rev. V, p. 20: 1927, p. 260).
(c) S.R. & O. 1927/347 (Rev. V, p. 30: 1927, p. 271).

been committed, commit him to be tried at the assizes for some other place if it appears to the coroner, having regard to the time when and the place where the last mentioned assizes are to be held to be more convenient to commit him to those assizes with a view either to expediting his trial or saving expense:

Provided that the power given by this subsection shall not be exercised in any case in which the person charged satisfies the coroner that he would, if the power were exercised, suffer hardship."

(C) *Section* 14 (4), *Criminal Justice Act*, 1925

"(4) Where a person is to be tried by any court by which he could not have been tried but for the provisions of subsection (1) of section ten of the Magistrates' Courts Act, 1952, as applied by Rule 1 of these Rules, any costs payable in the case under the Costs in Criminal Cases Act, 1952(a), shall in the first instance be paid in the same manner as if the offences had been committed in the county or borough in which the offender is tried, but shall be recoverable by the treasurer of that county or borough from the treasurer of the county or borough in which the offence was committed."

SECOND SCHEDULE

Rule 10 (1)

PART I

Inquisition charging an offence

An inquisition taken for our Sovereign Lady the Queen at in the county (*or as the case may be*) of on the day of , 19 , [and by adjournment on the day of , 19 ,] before me, J.S., one of Her Majesty's Coroners for the said county (*or as the case may be*), and the undermentioned jurors touching the death of C.D. whose body has been viewed by me.

The following matters are found:—

1. Name of the deceased (if known):
2. Injury causing death:
3. Time, place and circumstances at or in which injury was sustained:
4. Particulars for the time being required by the Registration Acts to be registered concerning the death:

(1) When and where died	(2) Name and surname of deceased	(3) Sex	(4) Age	(5) Occupation

5. The following offence was committed by , in connection with the death of the deceased, namely:—

Statement of Offence

Particulars of Offence

Dated this day of , 19 .

Signature of Coroner.

Signatures of Jurors.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 48.

PART II

FORMS OF STATEMENT OF AND PARTICULARS OF OFFENCES

1

Statement of Offence

Murder.

Particulars of Offence

A.B., on the day of , 19 , in the county of murdered C.D.

2

Statement of Offence

Manslaughter.

Particulars of Offence

A.B., on the day of , 19 , in the county of unlawfully killed C.D.

3

Statement of Offence

Infanticide contrary to section 1 (1) of the Infanticide Act, 1938.

Particulars of Offence

A.B., on the day of , 19 , in the county of caused the death of her child, being a child under the age of twelve months, by a wilful act, that is to say, , but at the time of the act she had not fully recovered from the effect of giving birth to such child [or from the effect of lactation consequent upon the birth of the child] and by reason thereof the balance of her mind was then disturbed,

Alternative or additional count

Statement of Offence

Infanticide contrary to section 1 (1) of the Infanticide Act, 1938.

Particulars of Offence

A.B., on the day of , 19 , in the county of caused the death of her child, being a child under the age of twelve months, by a wilful omission, that is to say, , but at the time of the omission she had not fully recovered from the effect of giving birth to such child [or from the effect of lactation consequent upon the birth of the child] and by reason thereof the balance of her mind was then disturbed.

4

Statement of Offence

Accessory before the fact to [here set out the offence].

Particulars

C.D., on the day of , 19 , in the county of did counsel, procure, and command A.B. to commit the said offence.

THIRD SCHEDULE

Rule 10 (2)

FORMS

1

Recognizance of accused and sureties

The undermentioned persons each acknowledge that they owe to our Sovereign Lady the Queen the following sums, namely:—

A.B. of (*address*), as principal, the sum of , and G.H. of (*address*), and J.K. of (*address*), as surety the sum of [each], payment thereof to be enforced severally against them by due process of law if the principal fails to comply with any of the conditions endorsed hereon.

Taken before me the day of , 19 .

J.S.,
Coroner for

(*Endorsement*)

Condition

The condition of this recognizance is that whereas the principal was this day charged by inquisition taken before me, J.S., the Coroner above mentioned, with manslaughter/infanticide.

If therefore the principal appears before the next Court of Assize for the [county] of to be held at , and there surrenders himself/herself into custody and takes his/her trial upon the said inquisition,

then this recognizance shall be void, but otherwise shall remain in full force.

2

Notice of recognizance to accused and sureties

Take notice that you, A.B., are bound in the sum of as principal, and you, G.H. [and J.K.], in the sum of [each] as suret , that you, the said principal, appear before the next Court of Assize for the [county] of to be held at , and there surrender yourself into custody and take your trial upon the inquisition taken before me by which you were this day charged with manslaughter/infanticide, and unless you, the principal, appear and surrender yourself accordingly, payment of the said sums will forthwith be enforced by due process of law severally against you, the said principal, and you, the said suret .

Dated the day of , 19 .

J.S.,
Coroner for

3

Recognizance of prosecutor

C.D., of (*address*) acknowledges that he/she owes to our Sovereign Lady the Queen the sum of , payment thereof to be enforced against him/her by due process of law if he/she fails to comply with the condition endorsed hereon.

Taken before me this day of , 19 .

J.S.,
Coroner for

(*Endorsement*)

Condition

The condition of this recognizance is that whereas A.B. (hereinafter called the accused) was this day charged by inquisition taken before me, J.S., the Coroner above mentioned, with .

If therefore the said C.D. appears at the next Court of Assize for the [county] of , and there prosecutes [and gives evidence upon the trial of the accused upon] the said inquisition,

then this recognizance shall be void but otherwise shall remain in full force.

4

Recognizance of witness

C.D., of (*address*) acknowledges that he/she owes to our Sovereign Lady the Queen the sum of , payment thereof to be enforced against him/her by due process of law if he/she fails to comply with the condition endorsed hereon.

Taken before me this day of , 19 .

J.S.,
Coroner for

(*Endorsement*)

Condition

The condition of this recognizance is that whereas A.B. (hereinafter called the accused) was this day charged by inquisition taken before me, J.S., the coroner above mentioned, with

*If therefore the said C.D. appears at the next Court of Assize for the [county] of , and there gives evidence upon the trial of the accused upon the said inquisition,

[Or (*where witness is bound over to give evidence conditionally upon notice being received, insert instead after asterisk**)

If therefore the said C.D. receives notice to appear at the next Court of Assize for the [county] of , and duly appears thereat and there gives evidence upon the trial of the accused upon the said inquisition, then this recognizance shall be void but otherwise shall remain in full force.

5

Notice of recognizance to be given to prosecutor or witness bound over unconditionally

TAKE NOTICE that you, C.D., of (*address*), are bound by a recognizance in the sum of , to appear at the next Court of Assize for the [county] of , to be held at , and there to [prosecute [and]] [give evidence on the trial of] A.B.; and unless you appear and [prosecute [and]] [give evidence on the trial of] A.B., and unless you appear and [prosecute [and]] [give evidence] accordingly, the said recognizance will be forthwith enforced against you.

Dated the day of , 19 .

J.S.,
Coroner for

6

Notice of recognizance to be given to witness bound over conditionally

TAKE NOTICE that you, C.D., of (*address*), are bound by a recognizance in the sum of , to appear, UPON NOTICE BEING GIVEN TO YOU, at the next Court of Assize for the [county] of , to be held at , and there give evidence on the trial of A.B., and unless, upon notice being given, you appear and give evidence accordingly, the said recognizance will be forthwith enforced against you.

Dated the day of , 19 .

J.S.,
Coroner for

7

Notice requiring attendance of witness bound over conditionally

WHEREAS you, C.D., of (*address*), were on the day of 19 , bound over by a recognizance in the sum of , upon notice being given to you to appear at and to give evidence on the trial of A.B.:

THIS IS TO GIVE YOU NOTICE that you ARE required to appear at the next Court of Assize for the [county] of , to be held at , and there to give evidence accordingly, and that unless you do so the said recognizance will be forthwith enforced against you.

Dated the day of , 19 .

J.S.,
Coroner for

[or E.F.
Clerk of Assize of the circuit.]

8

Statement of witnesses bound over conditionally

Reg. v. .....

Committed for trial at .

List of Witnesses whose attendance at the trial appears to me to be unnecessary and who have accordingly been bound over to attend the trial conditionally.

Name	Address	Occupation	If notice to attend has subsequently been issued by the Coroner the date of issue should be stated

Notice to attend the trial has been issued by me on the dates above mentioned to those witnesses against whose names a date is inserted in the last column above.

Dated the day of , 19 .

J.S.,
Coroner for

9

Warrant of commitment of person charged by inquisition

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. (hereinafter called the accused) has been this day charged by inquisition taken before me, J.S., Coroner for , with (state offence) and I, the said J.S., have committed the accused for trial at the next Court of Assize for the [county] of , to be held at :

You, the said constables, are hereby commanded to apprehend and arrest [detain] the accused and convey him/her to the said prison and there deliver him/her to the Governor thereof, together with this warrant; and you, the Governor of the said prison, are hereby commanded to receive him/her into your custody and keep him/her until he/she shall be delivered in due course of law.

Dated this day of , 19 .

J.S.,
Coroner for

(*Endorsement where bail is allowed*)

I hereby certify that the accused has been bailed by recognizance taken before me himself/herself in the sum of , with suret in the sum of [each], to appear before the next Court of Assize for the [county] of , to be held at , and take his/her trial upon the inquisition by which he/she has been charged.

J.S.,
Coroner for

10

Certificate of bail

I hereby certify that A.B. of (*address*) has been bailed by recognizance taken before me himself/herself in the sum of , with suret in the sum of [each], to appear before the next Court of Assize for the [county] of , to be held at , and take his/her trial upon the inquisition by which he/she has been charged.

Dated this day of , 19 .

J.S.,
Coroner for

EXPLANATORY NOTE

(*This Note is not part of the Rules, but is intended to indicate their general purport.*)

These Rules revoke and replace the Indictable Offences (Coroners) Rules, 1927, and the Indictable Offences (Coroners) (Lancaster) Rules, 1927, with minor amendments which have been made in consequence of the Magistrates' Courts Act, 1952.