CRIMINAL PROCEDURE, ENGLAND

1957 No. 669 (L. 5)

The Indictment Rules, 1957

Made - - - -	12*th April*, 1957
Laid before Parliament	17*th April*, 1957
Coming into Operation	22*nd April*, 1957

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

1. The following additional rule 4A shall be inserted after rule 4 in the Indictment Rules, 1915(c), that is to say,—

"Provisions as to charges of capital murder.

4A.—(1) A person charged with capital murder and a person charged in respect of the same death with murder, but not with capital murder, may be charged jointly in the same count.

(2) Any two or more of the matters mentioned in subsection (1) or of the matters mentioned in subsection (2) of section five of the Homicide Act, 1957(d), may be included, either cumulatively or alternatively, in the particulars of a count charging one or more persons with capital murder."

2. The additional forms numbered 1A and 1B respectively and appended hereto shall be used in cases to which they are applicable in accordance with rule 4 (5) of the Indictment Rules, 1915, and shall be deemed to be inserted after form 1 in the appendix to those rules.

3. These rules may be cited as the Indictment Rules, 1957, and shall come into operation on the twenty-second day of April, 1957.

FORM 1A

Statement of Offence

Capital murder.

Particulars of Offence

A.B., on the day of , in the county of , murdered J.S. by shooting and in the course or furtherance of theft or for the purpose of avoiding or preventing a lawful arrest (*or as the case may be*).

FORM 1B

Statement of Offence

Capital murder by A.B. and C.D.

Murder by E.F.

(a) 4 & 5 Eliz. 2. c. 34.
(b) 5 & 6 Geo. 5. c. 90.
(c) Scheduled to the Indictments Act, 1915.
(d) 5 & 6 Eliz. 2. c. 11.

Particulars of Offence

A.B., C.D. and E.F., on the day of , in the county of , murdered J.S.

A.B. and C.D. murdered J.S. as aforesaid, he being a police officer acting in the execution of his duty, for the purpose of effecting an escape from legal custody (*or as the case may be*).

A.B. by his own act caused the death of the said J.S. or attempted to inflict grievous bodily harm on the said J.S.

C.D. by his own act caused the death of the said J.S. or attempted to inflict grievous bodily harm on the said J.S.

Dated the twelfth day of April, 1957.

Kilmuir, C.
Goddard, C.J.
Evershed, M.R.
A. T. Denning, L.J.
H. B. Vaisey, J.
G. Justin Lynskey, J.
Colin H. Pearson, J.
W. Charles Norton.
R. E. Seaton.
N. Leigh Taylor.

EXPLANATORY NOTE

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

These Rules make provision as to indictments for capital murder consequentially on the passing of the Homicide Act, 1957.

Rule 1 inserts a new rule 4A in the Indictment Rules, 1915. Paragraph (1) of the new rule makes it clear that a person charged with capital murder and a person charged in respect of the same death with murder, but not with capital murder, may be charged jointly in a single count; paragraph (2) provides that any two or more of the matters mentioned in subsection (1) or (2) of section 5 of the Homicide Act (that is, matters making the murder a capital murder) may be included, either cumulatively or in the alternative, in the particulars of a count charging capital murder.

Rule 2 prescribes forms of indictment for capital murder.