



Jersey

INDICTMENTS RULES 1972¹

Official Consolidated Version

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Showing the law from 1 January 2019 to 30 September 2021



Jersey

INDICTMENTS RULES 1972

Contents

Rule

Rule	1	.....	3
Rule	2	.....	3
Rule	3	.....	4
Rule	4	.....	4
Rule	5	.....	4
Rule	6	.....	4
Rule	7	.....	5
Rule	8	.....	5

ENDNOTES 6

Table of Legislation History.....	6
Table of Renumbered Provisions	6
Table of Endnote References	6



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INDICTMENTS RULES 1972

THE SUPERIOR NUMBER OF THE ROYAL COURT, in exercise of the powers conferred by Article 13 of the [Royal Court \(Jersey\) Law 1948](#), and of all other powers enabling it in this behalf, has made the following Rules –

Commencement [[see endnotes](#)]

Rule 1

Every indictment shall contain, and shall be sufficient if it contains, a statement of the specific offence 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:

Provided that where a number of offences of the same or of a similar character have been admitted by the accused, the first of such offences shall be set forth in the manner prescribed above, but the remainder of such offences may be set forth in the form of a list, stating only the date and place and any other information necessary to identify each particular offence.²

Rule 2

The commencement of the indictment shall be in the following form –

Before the Royal Court of Jersey

Her Majesty's Attorney General

–v–

A. B.

A. B. is charged with the following offence(s) –

Count 1 Statement of offence.

Particulars of offence.

Rule 3

Charges for any offences, whether *crimes*, *délits* or *infractions*, may be joined in the same indictment if those charges are founded on the same facts or form or are part of a series of offences of the same or a similar character.

Rule 4

- (1) Every indictment shall be signed by the Attorney General and shall be lodged with the Judicial Greffier not less than 36 hours before the accused is called upon to answer thereto.
- (2) The Judicial Greffier shall on request supply a copy of the indictment free of charge to the accused, or to the accused's advocate or solicitor.

Rule 5

Notwithstanding any rule of law or practice to the contrary, an indictment shall not be open to objection in respect of its form or contents if it is framed in accordance with these Rules.

Rule 6

- (1) Where, before trial, or at any stage of a trial, it appears to the Court that the indictment is defective, the Court shall 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, before trial, or at any stage of a trial, the Court is of opinion that an accused person may be prejudiced or embarrassed in the accused's 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.
- (3) Where, before trial, or at any stage of a trial, the Court is of the opinion that the postponement of the trial of an accused person is expedient as a consequence of the exercise of any power of the Court under this Rule to amend an indictment or to order a separate trial of any count or counts, the Court shall make such order as to the postponement of the trial as appears necessary.
- (4) Where the Court makes an order under this Rule for a separate trial or for the postponement of a trial –
 - (a) if such an order is made during a trial by jury the Court may discharge the jury from giving a verdict on the indictment or on the count the trial of which has been postponed, as the case may be; or
 - (b) if such an order is made during a trial by the Inferior Number the Court shall not be required to give a verdict on the indictment or on the count the trial of which has been postponed, as the case may be; and
 - (c) the procedure on the separate trial of any count or counts shall be the same in all respects as if the count or counts 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 or if the Inferior Number has not given a verdict) as if the trial had not commenced; and

- (d) the Court may make such order as to costs and as to admitting the accused person to bail, and otherwise, as the Court thinks fit.
- (5) Any power of the Court under this Rule shall be in addition to and not in derogation of any other power of the Court for the same or similar purposes.

Rule 7

Nothing in these Rules shall invalidate the inclusion in an indictment of alternative counts in the customary form.

Rule 8

These Rules may be cited as the Indictments Rules 1972.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Indictments (Jersey) Rules 1972	R&O.5643	26 April 1972
Indictments (Amendment) (Jersey) Rules 1975	R&O.6180	13 August 1975

Table of Renumbered Provisions

Original	Current
8	spent, omitted from this revised edition
9	8

Table of Endnote References

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- ¹ *These Rules were repealed by the Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 2021 on 1 October 2021*
- ² *Rule 1 amended by R&O.6180*