

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER I10

INDICTMENTS ACT

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INDICTMENTS ACT

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INDICTMENTS ACT

Definition

1. In this Act, "rule committee" means the rule committee established in section 3.

Rules as to indictments

2. The rules may by regulation be added to, varied, or annulled by further rules made by the rule committee.

Powers of rule committee

3. (1) There is established for the purposes of this Act a rule committee consisting of the Chief Justice, the Puisne Judges, the Attorney General and the Registrar of the High Court.

(2) The rule committee shall have power to make rules varying or annulling the rules and to make further rules with respect to the matters dealt with in those rules, and those rules shall have effect subject to any modifications or additions so made.

(3) Any rules made by the rule committee shall not have any force or effect until they have been approved by the House of Assembly, and when so approved shall have the same force and effect as if they were contained in an Act and may be disallowed by Her Majesty in the same manner and with the same consequence as in the case of an Act.

(4) Any such rules approved as aforesaid shall, subject to disallowance by Her Majesty, come into operation on the day appointed in such rules in that behalf or, if no day is so appointed, on such day as the Governor by proclamation appoints.

(5) Disallowance by Her Majesty shall take effect upon and from the day on which the proclamation notifying the disallowance is published in the *Gazette* but shall not affect any proceedings taken before such proclamation.

General provisions as to indictments

4. (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 the rules under this Act.

Joinder of charges in the same indictment

5. Subject to the rules under this Act, charges for more than one offence may be joined in the same indictment.

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

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 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 originally presented 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;

(b) the procedure on the separate trial of a count 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 have 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.

Savings and application

7. (1) Nothing in this Act or the rules thereunder shall affect the law or practice relating to the jurisdiction of a Court or the place where an accused person can be tried, nor prejudice or diminish in any respect the obligation to establish by evidence according to law any acts, omissions, or intentions that are legally necessary to constitute the offence with which the person accused is charged, nor otherwise affect the laws of evidence in criminal cases.

(2) The provisions of this Act relating to indictments shall apply to criminal informations in the High Court and inquisitions, and also to any plea, replication, or other criminal pleading, with such modifications as may be made by rules under this Act.

Citation

8. This Act may be cited as the Indictments Act, Revised Statutes of Anguilla, Chapter I10.

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