ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

INDICTMENTS ACT
R.S.A. c. I10

Showing the Law as at 15 December 2000

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Revised Regulations of Anguilla: I10-1

INDICTMENTS ACT (R.S.A. c. I10)

INDICTMENTS RULES

Note: These Regulations are enabled under section 2 of the Indictments Act, R.S.A. c. I10.

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Material, etc., for indictment

1. (1) An indictment may be on parchment or paper, and may be either written or typewritten or printed, or partly written, partly typewritten or partly printed.

(2) Figures and abbreviations may be used in an indictment for expressing anything which is commonly expressed thereby.

(3) An indictment shall not be open to objection by reason only of any failure to comply with this rule.

Commencement of the indictment

2. (1) The commencement of the indictment shall be in the following form:—

THE QUEEN V. A.B.

In the High Court

Anguilla

INDICTMENT BY THE ATTORNEY GENERAL OF ANGUILLA

A.B. is charged with the following offence [offences]:—

(2) In the case of a criminal information, the words "Criminal Information by the Attorney General of Anguilla" shall be substituted for "Indictment by the Attorney General of Anguilla".

Joining of charges in one indictment

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

Mode in which offences are to be charged

4. (1) A description of the offence charged in an indictment, or where more than one offence is charged in an indictment, of each offence so charged, shall be set out in the indictment in a separate paragraph called a count.

(2) A count of an indictment shall commence with a statement of the offence charged, called the statement of offence.

(3) The statement of offence shall describe the offence shortly in ordinary language, avoiding as far as possible the use of technical terms, and without necessarily stating all the essential elements of the offence, and if the offence charged is one created by statute, shall contain a reference to the section of the statute creating the offence.

(4) After the statement of the offence, particulars of the offence shall be set out in ordinary language, in which the use of technical terms shall not be necessary but, where any rule of law or any statute limits the particulars of an offence which are required to be given in an indictment, nothing in this rule shall require any more particulars to be given than those so required.

(5) The forms set out in the appendix to the rules contained in the First Schedule to the Indictments Act (UK) 1915, or forms conforming thereto as nearly as may be *mutatis mutandis* shall be used in cases to which they are applicable, and in other cases forms to the like effect or conforming thereto as nearly as may be shall be used, the statement of offence and the particulars of offence being varied according to the circumstances in each case.

(6) Where an indictment contains more than one count the counts shall be numbered consecutively.

Provisions as to statutory offences

5. (1) Where an enactment constituting an offence states the offence to be the doing or the omission to do any one of any different acts in the alternative, or the doing or the omission to do any act in any one of any different capacities, or with any one of any different intentions, or states any part of the offence in the alternative, the acts, omissions, capacities, or intentions, or other matters stated in the alternative in the enactment, may be stated in the alternative in the count charging the offence.

(2) It shall not be necessary in any count charging a statutory offence to negative any exception or exemption from or qualification to the operation of the statute creating the offence.

Description of property

6. (1) The description of property in a count in an indictment shall be in ordinary language and such as to indicate with reasonable clearness the property referred to and, if the property is so described, it shall not be necessary (except when required for the purpose of describing an offence depending on any special ownership of property or special value of property) to name the person to whom the property belongs or the value of the property.

(2) Where property is vested in more than one person and the owners of the property are referred to in an indictment, it shall be sufficient to describe the property as owned by one of those persons by name with others and, if the persons owning the property are a body of persons with a collective name, such as

"Inhabitants", "Trustees", "Commissioners", or "Club" or other such name, it shall be sufficient to use the collective name without naming any individual. Any property of the government of Anguilla may be described as the "property of Her Majesty".

Description of persons

7. The description or designation in an indictment of the accused person, or of any other person to whom reference is made therein, shall be such as is reasonably sufficient to identify him, without necessarily stating his correct name, or his abode, style, degree, or occupation, and, if, owing to the name of the person not being known, or for any other reason, it is impracticable to give such a description or designation, such description or designation shall be given as is reasonably practicable in the circumstances, or such person may be described as a "person unknown".

Description of document

8. Where it is necessary to refer to any document or instrument in an indictment, it shall be sufficient to describe it by any name or designation by which it is usually known, or by the purport thereof, without setting out any copy thereof.

General rules as to description

9. Subject to any other provisions of these rules, it shall be sufficient to describe any place, time, thing, matter, act or omission whatsoever to which it is necessary to refer in any indictment, in ordinary language in such a manner as to indicate with reasonable clearness the place, time, thing, matter, act or omission referred to.

Statement of intent

10. It shall not be necessary in stating any intent to defraud, deceive or injure to state an intent to defraud, deceive or injure any particular person where the statute creating the offence does not make an intent to defraud, deceive or injure a particular person an essential ingredient of the offence.

Charge of previous convictions, etc.

11. Any charge of a previous conviction of an offence shall be charged at the end of the indictment by means of a statement that the person accused has been previously convicted of that offence at a certain time and place without stating the particulars of the offence.

Duty to furnish copy of indictment

12. It shall be the duty of the Registrar of the High Court to supply to the accused person, on request, a copy of the indictment free of charge.

Citation

13. These Regulations may be cited as the Indictments Rules, Revised Regulations of Anguilla I10-1.

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