



Indictable Offences Act 1848

CHAPTER 42

INDICTABLE OFFENCES ACT 1848

For what Offences a Justice of the Peace may grant a Warrant or Summons to cause a Person charged therewith to be brought before him. In what Cases the Party may be summoned instead of issuing a Warrant in the first instance.

If the Summons be not obeyed, then a Warrant may be issued.

- II Warrant to apprehend for Offences committed on the High Seas or abroad.
- III Warrant to apprehend a Party against whom an Indictment is found. If Person indicted be already in Prison for some other Offence, Justice may order him to be detained until removed by Writ of Habeas.
- IV Power to Justice to issue Warrants on Sundays.
- V Justices for adjoining Counties, &c. may act as such for one County, &c. while residing in another. All Acts of Justice, &c. to be valid. Constables, &c. apprehending Offenders in one such County, &c. may take them before such Justice in the adjoining County, &c., if he act as a Justice in both.
- VI Justices for a County, &c. may act for it in an adjoining City or Place of exclusive Jurisdiction. Not to give Power to act &c. in any Matters, &c. arising within the same.
- VII For Removal of Doubts as to Powers given to Justices, &c. in detached Parts of Counties under 2 & 3 Vict. c.82.
- VIII When Charge, &c. is made, if a Warrant is to be issued, Information, &c. on Oath, to be laid before Justices. If Summons to be issued instead, Information, &c. not necessary to be on Oath. No Objection allowed for alleged Defect in Form.
- IX Upon Complaint being laid, Justices receiving the same may issue Summons or Warrant for Appearance of Person charged. How Summons to be served. If Party summoned do not attend, Justice may

Status: This is the original version (as it was originally enacted).

- issue a Warrant to compel Attendance. No Objection allowed for alleged Defect in Form, &c.
- X Warrant to apprehend Parties to be under Hand and Seal of Justice. How Warrant to be directed, and to whom. How and where Warrant may be executed. No Objection allowed for alleged Defect in Form, &c.
- XI Regulations as to the Backing of Warrants. Proviso.
- XII English Warrants may be backed in Ireland, and vice versa, in the event of Parties escaping. Warrants so indorsed to be valid.
- XIII English Warrants may be backed in the Isles of Man, Guernsey, Jersey, Alderney, or Sark, and vice versa. Warrants so indorsed to be valid.
- XIV English or Irish Warrants may be backed in Scotland. Warrants so indorsed to be valid.
- XV Scotch Warrants may be backed in England or Ireland. Warrants indorsed to be valid.
- XVI Power to Justices to summon Witnesses to attend and give Evidence. If Summons not obeyed, Warrant may be issued to compel Attendance. In certain Cases Warrant may be issued in the first instance. Persons appearing on Summons, &c. refusing to be examined may be committed.
- XVII As to the Examination of Witnesses. Justice to administer Oath or Affirmation. Depositions of Persons who have died, or who are absent, may, in certain Cases, be read in Evidence.
- XVIII After Examination of the Accused, Justice to read Depositions taken against him, and caution him as to any Statement he may make ; and inform him that he has nothing to hope or fear from either Promise or Threat.
- XIX Place where Examination taken not to be deemed an open Court, and no Person to remain without Consent.
- XX Power to Justice to bind over the Prosecutors and Witnesses by Recognizance. Recognizance, Depositions, &c. to be transmitted to the Court in which the Trial is to be had. Witnesses refusing to enter into Recognizances, may be committed.
- XXI Power to Justice to remand the Accused from Time to Time, not exceeding Eight Days, by Warrant. If Remand be for Three Days only, by verbal Order. Party accused may be admitted to Bail, on the Examination being adjourned. If Party does not appear upon Recognizance, Justice may transmit the same to the Clerk of the Peace.
- XXII If a Person be apprehended in one County on Charge of an Offence committed in another, he may be examined in the former ; and if Evidence be deemed sufficient may be committed to Prison. If insufficient, to be brought before some Justice in the latter County. As to Payment of Expenses of conveying the Accused into the proper County, &c.
- XXIII Power to Justice to admit to Bail Persons charged with Felony and certain Misdemeanors. Justices may admit to Bail in the like Cases after Commitment for Trial. Justice may admit to Bail Persons charged with other Misdemeanors. Certain Recognizance to be transmitted to committing Justices. No Bail in Cases of Treason but by Order of Secretary of State, &c. Where Defendant entitled to traverse.
- XXIV When Justice admits a Person to Bail after Commitment a Writ of Deliverance shall be sent to him if not detained for any another Offence.
- XXV If, after hearing Evidence against the Accused, it is not thought sufficient to warrant Commitment he shall be discharged; but if

- Evidence considered sufficient, Justice shall, by Warrant, commit the Accused for Trial.
- XXVI Regulations for Conveying Prisoners to Gaol. As to Payment of Costs conveying Prisoners to Prison.
- XXVII After Examinations are completed, Defendant entitled to Copies of the Depositions.
- XXVIII Forms in Schedule deemed valid.
- XXIX Metropolitan Police Magistrates and Stipendiary Magistrates in other Places may act alone. Nothing to affect Powers, &c. contained in 10 G.4. c.44, 2 & 3 Vict. c.47, 2 & 3 Vict. c.71 and 3 & 4 Vict. c.84.
- XXX The Lord Mayor, or any Alderman of London, may act alone. Nothing to affect Powers, &c. contained in 2 & 3 Vict. c.94.
- XXXI Chief Magistrate of Bow Street may be a Justice for Berks, without Qualification.
- XXXII Act to extend to Berwick-upon-Tweed, but not to Scotland, Ireland, &c, except as to backing of Warrants.
- XXXIII Commencement of Act.
- XXXIV After Commencement of this Act the following Acts and Parts of Acts repealed.
- XXXV Act may be amended, &c.

SCHEDULE —