Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 5

CRIMINAL JUSTICE

Jury service

93 Lists of jurors

(1) The 1995 Act is amended as follows.

(2) In section 84 (juries: returns of jurors and preparation of lists)—

(a) in subsection (3), for "list" substitute " lists ",

(b) for subsection (4) substitute—

"(4) For the purpose of a trial in the sheriff court, the sheriff principal must furnish the clerk of court with a list of names, containing the number of persons required, from lists of potential jurors of—

(a) the sheriff court district in which the trial is to be held (the "local district"), and

(b) if the sheriff principal considers it appropriate, any other sheriff court district or districts in the sheriffdom in which the trial is to be held ("other districts").

(4A) Where the sheriff principal furnishes a list containing names of potential jurors of other districts, the sheriff principal may determine the proportion as between the local district and the other districts in which jurors are to be summoned.",

(c) in subsection (5), for "list", in both places where it occurs, substitute " lists ", and

(d) subsection (7) is repealed.

(3) In section 85(4) (juries: citation and attendance of jurors)—

Changes to legislation: *There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Cross Heading: Jury service. (See end of Document for details)*

(a) for the words from the beginning to "shall", in the first place where it occurs, substitute "The sheriff clerk of—

(a) the sheriffdom in which the High Court is to sit, or

(b) the sheriff court district in which a trial in the sheriff court is to be held,

shall ", and

(b) the word "such", in the first place where it occurs, is repealed.

Commencement Information

I1 S. 93 in force at 13.12.2010 by S.S.I. 2010/413, art. 2, **Sch.**

94 Upper age limit for jurors

(1) Section 1 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55) (qualification of jurors) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (b), at beginning insert " subject to subsection (1A), ", and

(b) the words ", civil or criminal" are repealed.

(3) After subsection (1) insert—

"(1A) In relation to criminal proceedings, a person is qualified and liable to serve as a juror despite being over 65 years of age.".

Commencement Information

I2 S. 94 in force at 10.1.2011 by S.S.I. 2010/413, art. 2, **Sch.**

95 Excusal from jury service

(1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 is amended as follows.

(2) In section 1 (qualification of jurors)—

(a) in subsection (1), after "below" insert " and to section 1A ",

(b) in subsection (2), after "service" in the second place where it occurs insert " in relation to civil proceedings ",

(c) in subsection (3), after "service" in the first place where it occurs insert " in relation to civil proceedings ",

(d) in subsection (5), after "above" insert " or under section 1A ", and

(e) in subsection (6), after paragraph (a) insert—

"(aa) section 1A;".

(3) After section 1 insert—

"**1A Excusal of jurors in relation to criminal proceedings**

(1) Subject to subsection (3), a person who is qualified under section 1(1) but is among the persons listed in Part III of Schedule 1 to this Act (being persons excusable as of right from jury service) is to be excused from jury service in relation to criminal proceedings on any occasion where the person—

(a) has been required to provide information under section 3(2) of the Jurors (Scotland) Act 1825 (c.22); and

(b) gives written notice to the sheriff principal that the person wishes to be excused, before the end of the period of 7 days beginning with the day on which the person receives the requirement.

(2) Without prejudice to subsection (1), a person who is qualified under section 1(1) but is among the persons listed in Group C of Part III of Schedule 1 to this Act is to be excused from jury service in relation to criminal proceedings on any occasion where—

(a) the person has been required to provide information under section 3(2) of the Jurors (Scotland) Act 1825; and

(b) the person's commanding officer certifies to the sheriff principal that it would be prejudicial to the efficiency of the force of which the person is a member were the person required to be absent from duty.

(3) Subsection (1) does not apply to a person who is qualified under section 1(1) but is among the persons listed in paragraph (a)(iii) of Group F of Part III of Schedule 1 to this Act (persons who have attained the age of 71), but instead such a person is to be excused from jury service in relation to criminal proceedings on any occasion where—

(a) in the case of a person who has been required to provide information under section 3(2) of the Jurors (Scotland) Act 1825, the person gives written notice to the sheriff principal that the person wishes to be excused; or

(b) in the case of a person who has been cited to attend for jury service, the person—

(i) gives written notice to the clerk of court issuing the citation that the person wishes to be excused, before the date on which the person is cited first to attend; or

(ii) attends in compliance with the citation and intimates to the court that the person wishes to be excused.".

(4) In section 3(1)(a) (offences in connection with jury service), after "been" insert " required to provide information under section 3(2) of the Jurors (Scotland) Act 1825 or ".

Commencement Information

I3 S. 95 in force at 10.1.2011 by S.S.I. 2010/413, art. 2, **Sch.**

96 Persons excusable from jury service

In the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55), in Schedule 1 (ineligibility for and disqualification and excusal from jury service), Part 3, Group F, for paragraph (a) substitute—

"(a) where citation for jury service would result in a person's serving as a juror in relation to criminal proceedings—

(i) persons who have served as a juror in the period of 5 years ending with the date on which the person is cited first to attend;

(ii) persons who have attended for jury service in relation to criminal proceedings, but have not served as a juror, in the period of 2 years ending with the date on which the person is cited first to attend; and

(iii) persons who have attained the age of 71;

(aa) where citation for jury service would result in a person's serving as a juror in relation to civil proceedings, persons who have served, or duly attended for service, as a juror in the period of 5 years ending with the date on which the person is cited first to attend;".

Commencement Information

I4 S. 96 in force at 10.1.2011 by S.S.I. 2010/413, art. 2, **Sch.**

Changes to legislation:
There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Cross Heading: Jury service.