# Juries Act 1974

## 1974 CHAPTER 23

An Act to consolidate certain enactments relating to juries, jurors and jury service with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949. [9th July 1974]

**Modifications etc. (not altering text)**

**C1** Act amended by S.I. 1986/1081, **regs. 2**, 51(6)

**C2** By Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(1), **Sch. 12 para. 23**; S.I. 1991/2208, art. 2(1), **Sch.1** it is provided (14.10.1991) that in relation to any time before the commencement of s.70 of that 1991 Act (which came into force on 1.10.1992 by S.I. 1992/333, art. 2(2), **Sch. 2**) references in any enactment amended by that 1991 Act, to youth courts shall be construed as references to juvenile courts.

**Commencement Information**

**I1** Act wholly in force at 9. 8. 1974 see s. 23(3)

### [F1 1 Qualification for jury service

(1) Subject to the provisions of this Act, every person shall be qualified to serve as a juror in the Crown Court, the High Court and county courts and be liable accordingly to attend for jury service when summoned under this Act if—

(a) he is for the time being registered as a parliamentary or local government elector and is not less than eighteen nor more than seventy years of age;

(b) he has been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man for any period of at least five years since attaining the age of thirteen;

(c) he is not a mentally disordered person; and

(d) he is not disqualified for jury service.

(2) In subsection (1) above "mentally disordered person" means any person listed in Part 1 of Schedule 1 to this Act.

**Status:** *Point in time view as at 03/11/2008.*
***Changes to legislation:*** *Juries Act 1974 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) The persons who are disqualified for jury service are those listed in Part 2 of that Schedule.**]**

**Textual Amendments**

**F1** S. 1 substituted (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 336, **Sch. 33 para. 2**; S.I. 2004/829, **art. 2(1)(2)(g)** (with art. 2(4))

## 2 Summoning.

(1) Subject to the provisions of this Act, the Lord Chancellor shall be responsible for the summoning of jurors to attend for service in the Crown Court, the High Court and county courts and for determining the occasions on which they are to attend when so summoned, and the number to be summoned.

(2) In making arrangements to discharge his duty under subsection (1) above the Lord Chancellor shall have regard to the convenience of the persons summoned and to their respective places of residence, and in particular to the desirability of selecting jurors within reasonable daily travelling distance of the place where they are to attend.

(3) Subject to subsection (2) above, there shall be no restriction on the places in England and Wales at which a person may be required to attend or serve on a jury under this Act.

(4) Subject to the provisions of this Act, jurors shall be so summoned by notice in writing sent by post, or delivered by hand.

For the purposes of **[**[F2]section 7 of the Interpretation Act [M1]1978**]** (presumption as to receipt of letter properly addressed and sent by post) the notice shall be regarded as properly addressed if the address is that shown in the electoral register, and a notice so addressed, and delivered by hand to that address, shall be deemed to have been delivered personally to the person to whom it is addressed unless the contrary is proved.

(5) A written summons sent or delivered to any person under subsection (4) above shall be accompanied by a notice informing him—

(a) of the effect of sections 1, [F3]. . . 10 and 20(5) of this Act; and

(b) that he may make representations to the appropriate officer with a view to obtaining the withdrawal of the summons, if for any reason he is not qualified for jury service, or wishes or is entitled to be excused;

and where a person **[**[F4]is summoned under subsection (4) above or**]** under section 6 of this Act, the appropriate officer may **[**[F5]at any time**]** put or cause to be put to him such questions as the officer thinks fit in order to establish whether or not the person is qualified for jury service.

(6) A certificate signed by the appropriate officer and stating that a written summons under this Act, properly addressed and prepaid, was posted by him shall be admissible as evidence in any proceedings, and shall be so admissible without proof of his signature or official character.

**Textual Amendments**

**F2** Words substituted by virtue of Interpretation Act 1978 (c. 30), **s. 17(2)**

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**F3** Word in s. 2(5)(a) repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, **Sch. 37 Pt. 10**; S.I. 2004/829, **art. 2(1)(2)(l)(iv)**

**F4** Words substituted by Administration of Justice Act 1982 (c. 53, SIF 37), **s. 61**(*a*)

**F5** Words inserted by Administration of Justice Act 1982 (c. 53, SIF 37), **s. 61**(*b*)

**Modifications etc. (not altering text)**

**C3** S. 2: reference to the register of parliamentary and local government electors to be construed as mentioned in Representation of the People Act 1983 (c. 2, SIF 42), ss. 205, 206, **Sch. 7 para. 10**

**C4** S. 2 modified (31.8.1999) by S.I. 1999/2128, **art. 3(2)**.

**Marginal Citations**

**M1** 1978 c. 30.

## 3 Electoral register as basis of jury selection.

(1) Every electoral registration officer under the **[**[F6]Representation of the People Act 1983**]** shall as soon as practicable after the publication of any register of electors for his area deliver to such officer as the Lord Chancellor may designate such number of copies of the register as the designated officer may require for the purpose of summoning jurors, and on each copy there shall be indicated those persons on the register whom the registration officer has ascertained to be, or to have been on a date also indicated on the copy, less than eighteen or more than **[**[F7]seventy**]** years of age.

**[**[F8](1A) If a register to be delivered under subsection (1) above includes any anonymous entries (within the meaning of that Act of 1983) the registration officer must, at the same time as he delivers the register, also deliver to the designated officer any record prepared in pursuance of provision made as mentioned in paragraph 8A of Schedule 2 to that Act which relates to such anonymous entries.**]**

(2) The reference in subsection (1) above to a register of electors does not include a ward list within the meaning of section 4(1) of the City of London (Various Powers) Act [M2]1957.

(3) . . . . . [F9]

**Textual Amendments**

**F6** Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 8 para. 17**

**F7** Word substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123(6), 170(1), Sch. 8 para. 16, **Sch. 15 para. 44**

**F8** S. 3(1A) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10(2), 77(2), **Sch. 1 para. 1**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 12(a)

**F9** S. 3(3) repealed by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 9 Pt. II**

**Modifications etc. (not altering text)**

**C5** S. 3(1): references to the register of parliamentary and local government electors in each place where occurring to be construed as mentioned in Representation of the People Act 1983 (c. 2, SIF 42), ss 205, 206, **Sch. 7 para. 10**

**C6** S. 3(2): reference to the register of parliamentary and local government electors to be construed as mentioned in Representation of the People Act 1983 (c. 2, SIF 42), ss. 205, 206, **Sch. 7 para. 10**

**Status:** *Point in time view as at 03/11/2008.*
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**Marginal Citations**

**M2** 1957 c. x.

## 4 Withdrawal or alteration of summonses.

If it appears to the appropriate officer, at any time before the day on which any person summoned under section 2 of this Act is first to attend, that his attendance is unnecessary, or can be dispensed with on any particular day or days, the appropriate officer may withdraw or alter the summons by notice served in the same way as a notice of summons.

## 5 Panels.

(1) The arrangements to be made by the Lord Chancellor under this Act shall include the preparation of lists (called panels) of persons summoned as jurors, and the information to be included in panels, the court sittings for which they are prepared, their division into parts or sets (whether according to the day of first attendance or otherwise), their enlargement or amendment, and all other matters relating to the contents and form of the panels shall be such as the Lord Chancellor may from time to time direct.

(2) A party to proceedings in which jurors are or may be called on to try an issue, and any person acting on behalf of a party to such proceedings, shall be entitled to reasonable facilities for inspecting the panel from which the jurors are or will be drawn.

(3) The right conferred by subsection (2) above shall not be exercisable after the close of the trial by jury (or after the time when it is no longer possible for there to be a trial by jury).

(4) The court may, if it thinks fit, at any time afford to any person facilities for inspecting the panel, although not given the right by subsection (2) above.

**[**[F10](5) The Lord Chancellor must consult the Lord Chief Justice before giving any direction under subsection (1).

(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

**Textual Amendments**

**F10** S. 5(5)(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 78**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(e)

## 6 Summoning in exceptional circumstances.

(1) If it appears to the court that a jury to try any issue before the court will be, or probably will be, incomplete, the court may, if the court thinks fit, require any persons who are in, or in the vicinity of, the court, to be summoned (without any written notice) for jury service up to the number needed (after allowing for any who may not be qualified under section 1 of this Act, and for **[**[F11]excusals**]** and challenges) to make up a full jury.

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(2) The names of the persons so summoned shall be added to the panel and the court shall proceed as if those so summoned had been included in the panel in the first instance.

**Textual Amendments**

**F11** Word substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123(6), 170(1), Sch. 8 para. 16, **Sch. 15 para. 45**

## 7 Attendance and service.

Subject to the provisions of this Act, a person summoned under this Act shall attend for so many days as may be directed by the summons or by the appropriate officer, and shall be liable to serve on any jury (in the Crown Court or the High Court or any county court) at the place to which he is summoned, or in the vicinity.

## 8 Excusal for previous jury service.

(1) If a person summoned under this Act shows to the satisfaction of the appropriate officer, or of the court (or any of the courts) to which he is summoned—

(a) that he has served on a jury, or duly attended to serve on a jury, in the prescribed period ending with the service of the summons on him, or

(b) that the Crown Court or any other court has excused him from jury service for a period which has not terminated,

the officer or court shall excuse him from attending, or further attending, in pursuance of the summons.

(2) In subsection (1) above "the prescribed period" means two years or such longer period as the Lord Chancellor may prescribe by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and any such order may be varied or revoked by a subsequent order under this subsection.

(3) Records of persons summoned under this Act, and of persons included in panels, shall be kept in such manner as the Lord Chancellor may direct, and the Lord Chancellor may, if he thinks fit, make arrangements for allowing inspection of the records so kept by members of the public in such circumstances and subject to such conditions as he may prescribe.

(4) A person duly attending in compliance with a summons under this Act shall be entitled on application to the appropriate officer to a certificate recording that he has so attended.

(5) In subsection (1) above the words "served on a jury" refer to service on a jury in any court, including any court of assize or other court abolished by the Courts Act [M3] 1971, but excluding service on a jury in a coroner's court.

**Marginal Citations**

**M3** 1971 c. 23.

***Status:*** *Point in time view as at 03/11/2008.*
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## 9 Excusal for certain persons and discretionary excusal.

(1) [F12]. . . . . .

(2) If any person summoned under this Act shows to the satisfaction of the appropriate officer that there is good reason why he should be excused from attending in pursuance of the summons, the appropriate officer may **[**[F13], subject to section 9A(1A) of this Act,**]** excuse him from so attending [F14]. . . .

**[**[F15](2A) Without prejudice to subsection (2) above, the appropriate officer shall excuse a full-time serving member of Her Majesty's naval, military or air forces from attending in pursuance of a summons if—

(a) that member's commanding officer certifies to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty, and

(b) subsection (2A) or (2B) of section 9A of this Act applies.

(2B) Subsection (2A) above does not affect the application of subsection (2) above to a full-time serving member of Her Majesty's naval, military or air forces in a case where he is not entitled to be excused under subsection (2A).**]**

(3) **[**[F16]Criminal Procedure Rules**]** shall provide a right of appeal to the court (or one of the courts) before which the person is summoned to attend against any refusal of the appropriate officer to excuse him under subsection (2) above **[**[F17]or any failure by the appropriate officer to excuse him as required by subsection (2A) above**]**.

(4) Without prejudice to the preceding provisions of this section, the court (or any of the courts) before which a person is summoned to attend under this Act may excuse that person from so attending;

**Textual Amendments**

**F12** S. 9(1) repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 332, 336, Sch. 33 para. 3, **Sch. 37 Pt. 10**; S.I. 2004/829, **art. 2(1)(2)(g)(l)(iv)**

**F13** Words in s. 9(2) inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 336, **Sch. 33 para. 4**; S.I. 2004/829, **art. 2(1)(2)(g)**

**F14** Words in s. 9(2) repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, **Sch. 37 Pt. 10**; S.I. 2004/829, **art. 2(1)(2)(l)(iv)**

**F15** S. 9(2A)(2B) inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 336, **Sch. 33 para. 5**; S.I. 2004/829, **art. 2(1)(2)(g)**

**F16** Words in s. 9(3) substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 172(a)**; S.I. 2004/2066, **art. 2(c)(viii)** (with art. 3)

**F17** Words in s. 9(3) inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 336, **Sch. 33 para. 6**; S.I. 2004/829, **art. 2(1)(2)(g)**

## **[**[F18]9A Discretionary deferral.

(1) If any person summoned under this Act shows to the satisfaction of the appropriate officer that there is good reason why his attendance in pursuance of the summons should be deferred, the appropriate officer may **[**[F19], subject to subsection (2) below,**]** defer his attendance, and, if he does so, he shall vary the days on which that person is summoned to attend and the summons shall have effect accordingly.

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**[** F20(1A) Without prejudice to subsection (1) above and subject to subsection (2) below, the appropriate officer—

(a) shall defer the attendance of a full-time serving member of Her Majesty's naval, military or air forces in pursuance of a summons if subsection (1B) below applies, and

(b) for this purpose, shall vary the dates upon which that member is summoned to attend and the summons shall have effect accordingly.

(1B) This subsection applies if that member's commanding officer certifies to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty.

(1C) Nothing in subsection (1A) or (1B) above shall affect the application of subsection (1) above to a full-time serving member of Her Majesty's naval, military or air forces in a case where subsection (1B) does not apply.**]**

**[**F21(2) The attendance of a person in pursuance of a summons shall not be deferred under subsection (1) or (1A) above if subsection (2A) or (2B) below applies.**]**

**[** F22(2A) This subsection applies where a deferral of the attendance of the person in pursuance of the summons has previously been made or refused under subsection (1) above or has previously been made under subsection (1A) above.

(2B) This subsection applies where—

(a) the person is a full-time serving member of Her Majesty's naval, military or air forces, and

(b) in addition to certifying to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty, that member's commanding officer certifies that this position is likely to remain for any period specified for the purpose of this subsection in guidance issued under section 9AA of this Act.**]**

(3) **[**F23Criminal Procedure Rules**]** shall provide a right of appeal to the court (or one of the courts) before which the person is summoned to attend against any refusal of the appropriate officer to defer his attendance under subsection (1) above **[**F24or any failure by the appropriate officer to defer his attendance as required by subsection (1A) above**]**.

(4) Without prejudice to the preceding provisions of this section, the court (or any of the courts) before which a person is summoned to attend under this Act may defer his attendance.**]**

**Textual Amendments**

**F18** S. 9A inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 120, 123(6), **Sch. 8 para. 16**

**F19** Words in s. 9A(1) inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 336, **Sch. 33 para. 7**; S.I. 2004/829, **art. 2(1)(2)(g)**

**F20** S. 9A(1A)-(1C) inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 336, **Sch. 33 para. 8**; S.I. 2004/829, **art. 2(1)(2)(g)**

**F21** S. 9A(2) substituted (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 336, **Sch. 33 para. 9**; S.I. 2004/829, **art. 2(1)(2)(g)**

**F22** S. 9A(2A)(2B) inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 336, **Sch. 33 para. 10**; S.I. 2004/829, **art. 2(1)(2)(g)**

***Status:*** *Point in time view as at 03/11/2008.*
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**F23** Words in s. 9A(3) substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 172(b)**; S.I. 2004/2066, **art. 2(c)(viii)** (with art. 3)

**F24** Words in s. 9A(3) inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 336, **Sch. 33 para. 11**; S.I. 2004/829, **art. 2(1)(2)(g)**

## [F25 9AA Requirement to issue guidance

(1) The Lord Chancellor shall **[**F26, after consulting the Lord Chief Justice,**]** issue guidance as to the manner in which the functions of the appropriate officer under sections 9 and 9A of this Act are to be exercised.

(2) The Lord Chancellor shall—

(a) lay before each House of Parliament the guidance, and any revised guidance, issued under this section, and

(b) arrange for the guidance, or revised guidance, to be published in a manner which he considers appropriate.

**[** F27(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]]**

**Textual Amendments**

**F25** S. 9AA inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 336, **Sch. 33 para. 12**; S.I. 2004/829, **art. 2(1)(2)(g)**

**F26** Words in s. 9AA(1) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 79(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(e)

**F27** S. 9AA(3) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 79(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(e)

## [F28 9B Discharge of summonses to disabled persons only if incapable of acting effectively as a juror.

(1) Where it appears to the appropriate officer, in the case of a person attending in pursuance of a summons under this Act, that on account of physical disability there is doubt as to his capacity to act effectively as a juror, the person may be brought before the judge.

(2) The judge shall determine whether or not the person should act as a juror; but he shall affirm the summons unless he is of the opinion that the person will not, on account of his disability, be capable of acting effectively as a juror, in which case he shall discharge the summons.

**[**F29(3) In this section and section 10 “the judge” means—

(a) a judge of the High Court,

(b) a Circuit judge,

(c) a District Judge (Magistrates' Courts), or

(d) a Recorder.**]]**

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**Textual Amendments**

**F28** S. 9B added (3.2.1995) by 1994 c. 33, **s. 41**; S.I. 1995/127, art. 2(1), **Sch. 1**

**F29** S. 9B(3) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 65, 110, **Sch. 4 para. 3**; S.I. 2005/910, **art. 3(u)**

## 10 Discharge of summonses in case of doubt as to capacity to act effectively as a juror.

Where it appears to the appropriate officer, in the case of a person attending in pursuance of a summons under this Act, that on account of [F30]. . . insufficient understanding of English there is doubt as to his capacity to act effectively as a juror, the person may be brought before the judge, who shall determine whether or not he should act as a juror and, if not, shall discharge the summons; and for this purpose "the judge" means any judge of the High Court or any Circuit judge or Recorder.

**Textual Amendments**

**F30** Words in s. 10 repealed (3.2.1995) by 1994 c. 33, s. 168(3), **Sch. 11**; S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix C

## 11 The ballot and swearing of jurors.

(1) The jury to try an issue before a court shall be selected by ballot in open court from the panel, or part of the panel, of jurors summoned to attend at the time and place in question.

(2) The power of summoning jurors under section 6 of this Act may be exercised after balloting has begun, as well as earlier, and if exercised after balloting has begun the court may dispense with balloting for persons summoned under that section.

(3) No two or more members of a jury to try an issue in a court shall be sworn together.

(4) Subject to subsection (5) below, the jury selected by any one ballot shall try only one issue (but any juror shall be liable to be selected on more than one ballot).

(5) Subsection (4) above shall not prevent—

(a) the trial of two or more issues by the same jury if the trial of the second or last issue begins within 24 hours from the time when the jury is constituted, or

(b) [F31] . . . . . .

(c) in a criminal case beginning with a special plea, the trial of the accused on the general issue by the jury trying the special plea.

(6) In the cases within subsection (5)(a)[F32]. . . and (c) above the court may, on the trial of the second or any subsequent issue, instead of proceeding with the same jury in its entirety, order any juror to withdraw, if the court considers he could be justly challenged or excused, or if the parties to the proceedings consent, and the juror to replace him shall, subject to subsection (2) above, be selected by ballot in open court.

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**Textual Amendments**

**F31** S. 11(5)(b) repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1)(2), 60, Sch. 10 para. 8(2), **Sch. 11** (with Sch. 12 para. 8); S.I. 2005/579, **art. 3(g)(i)(iv)**

**F32** Word in s. 11(6) repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1)(2), 60, Sch. 10 para. 8(3), **Sch. 11** (with Sch. 12 para. 8); S.I. 2005/579, **art. 3(i)(iv)**

## 12 Challenge.

(1) In proceedings for the trial of any person for an offence on indictment—

(a) that person may challenge . . . [F33]all or any of the jurors for cause, and

(b) any challenge for cause shall be tried by the judge before whom that person is to be tried.

(2) Any party to county court proceedings to be tried by a jury shall have the same right of challenge to all or any of the jurors as he would have in the High Court.

(3) A challenge to a juror in any court shall be made after his name has been drawn by ballot (unless the court, pursuant to section 11(2) of this Act, has dispensed with balloting for him) and before he is sworn.

(4) The fact that a person summoned to serve on a jury is not qualified to serve shall be a ground of challenge for cause; but subject to that, and to the foregoing provisions of this section, nothing in this Act affects the law relating to challenge of jurors.

(5) In section 29 of the Juries Act [M4]1825 (challenges to jurors by the Crown) the words "the Crown Court" shall continue to be substituted for the words "any of the courts hereinbefore mentioned", notwithstanding the repeal by this Act of paragraph 3(2) of Schedule 4 to the Courts Act [M5]1971 and of the entries relating to the said Act in Schedule 5 to the Criminal Justice Act [M6]1972.

(6) Without prejudice to subsection (4) above, the right of challenge to the array, that is to say the right of challenge on the ground that the person responsible for summoning the jurors in question is biased or has acted improperly, shall continue to be unaffected by the fact that, since the coming into operation of section 31 of the Courts Act [M7]1971 (which is replaced by this Act), the responsibility for summoning jurors for service in the Crown Court, the High Court and county courts has lain with the Lord Chancellor.

**Textual Amendments**

**F33** Words repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123(6), 170(2), Sch. 8 para. 16, **Sch. 16**

**Marginal Citations**

**M4** 1825 c. 50.

**M5** 1971 c. 23.

**M6** 1972 c. 71.

**M7** 1971 c. 23.

***Status:*** *Point in time view as at 03/11/2008.*
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## [F34 13 Separation.

If, on the trial of any person for an offence on indictment, the court thinks fit, it may at any time (whether before or after the jury have been directed to consider their verdict) permit the jury to separate.

**Textual Amendments**

**F34** S. 13 substituted (3.2.1995) by 1994 c. 33, **s. 43(1)**; S.I. 1995/127, art. 2(1), **Sch. 1**

## 14 Views.]

**[**F35Criminal Procedure Rules and Civil Procedure Rules**]** may make provision as respects views by jurors, and the places to which a juror may be called on to go to view shall not be restricted to any particular county or other area.

**Textual Amendments**

**F34** S. 13 substituted (3.2.1995) by 1994 c. 33, **s. 43(1)**; S.I. 1995/127, art. 2(1), **Sch. 1**

**F35** Words in s. 14 substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 173**; S.I. 2004/2066, **art. 2(c)(viii)** (with art. 3)

## 15 Refreshment.

Jurors, after being sworn, may, in the discretion of the court, be allowed reasonable refreshment at their own expense.

## 16 Continuation of criminal trial on death or discharge of juror.

(1) Where in the course of a trial of any person for an offence on indictment any member of the jury dies or is discharged by the court whether as being through illness incapable of continuing to act or for any other reason, but the number of its members is not reduced below nine, the jury shall nevertheless (subject to subsections (2) and (3) below) be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a verdict may be given accordingly.

(2) On a trial . . . F36for any offence punishable with death subsection (1) above shall not apply on the death or discharge of any member of the jury unless assent to its then applying is given in writing by or on behalf of both the prosecution and the accused or each of the accused.

(3) Notwithstanding subsection (1) above, on the death or discharge of a member of the jury in the course of a trial of any person for an offence on indictment the court may discharge the jury in any case where the court sees fit to do so.

**Textual Amendments**

**F36** Words repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 121, 123(6), 170(2), Sch. 8 para. 16, **Sch. 16**

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## 17 Majority verdicts.

(1) Subject to subsections (3) and (4) below, the verdict of a jury in proceedings in the Crown Court or the High Court need not be unanimous if—

(a) in a case where there are not less than eleven jurors, ten of them agree on the verdict; and

(b) in a case where there are ten jurors, nine of them agree on the verdict.

(2) Subject to subsection (4) below, the verdict of a jury (that is to say a complete jury of eight) in proceedings in a county court need not be unanimous if seven of them agree on the verdict.

(3) The Crown Court shall not accept a verdict of guilty by virtue of subsection (1) above unless the foreman of the jury has stated in open court the number of jurors who respectively agreed to and dissented from the verdict.

(4) No court shall accept a verdict by virtue of subsection (1) or (2) above unless it appears to the court that the jury have had such period of time for deliberation as the court thinks reasonable having regard to the nature and complexity of the case; and the Crown Court shall in any event not accept such a verdict unless it appears to the court that the jury have had at least two hours for deliberation.

(5) This section is without prejudice to any practice in civil proceedings by which a court may accept a majority verdict with the consent of the parties, or by which the parties may agree to proceed in any case with an incomplete jury.

## 18 Judgments: stay or reversal.

(1) No judgment after verdict in any trial by jury in any court shall be stayed or reversed by reason—

(a) that the provisions of this Act about the summoning or impanelling of jurors, or the selection of jurors by ballot, have not been complied with, or

(b) that a juror was not qualified in accordance with section 1 of this Act, or

(c) that any juror was misnamed or misdescribed, or

(d) that any juror was unfit to serve.

(2) Subsection (1)(a) above shall not apply to any irregularity if objection is taken at, or as soon as practicable after, the time it occurs, and the irregularity is not corrected.

(3) Nothing in subsection (1) above shall apply to any objection to a verdict on the ground of personation.

## 19 Payment for jury service.

(1) Subject to the following provisions of this section, a person who serves as a juror shall be entitled, in respect of his attendance at court for the purpose of performing jury service, to receive payments, at **[**[F37]rates determined by the Lord Chancellor with the consent of the Minister for the Civil Service**]** and subject to any prescribed conditions, by way of allowance—

(a) for travelling and subsistence; and

(b) for financial loss, where in consequence of his attendance for that purpose he has incurred any expenditure (otherwise than on travelling and subsistence) to which he would not otherwise be subject or he has suffered any loss of

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earnings, or of benefit under the enactments relating to . . . [F38] social security, which he would otherwise have made or received.

**[**[F39](1A) The reference in subsection (1) above to payments by way of allowance for subsistence includes a reference to vouchers and other benefits which may be used to pay for subsistence, whether or not their use is subject to any limitations.**]**

(2) Subsection (1) above shall not apply to service on a coroner's jury (for which provision for payment is made by **[**[F40]the Coroners Act 1988**]**).

(3) The determination of the amounts payable to persons under subsection (1) above, and the manner of making those payments, shall be in accordance with arrangements made by the Lord Chancellor and all such payments shall be made out of moneys provided by Parliament.

(4) In subsection (1) above "prescribed" means prescribed by regulations made by statutory instrument by the Lord Chancellor with the consent of the Minister for the Civil Service; and for the purposes of that subsection a person who, in obedience to a summons to serve on a jury, attends for service as a juror shall be deemed to serve as a juror notwithstanding that he is not subsequently sworn.

(5) Save as provided by **[**[F41]the Coroners Act 1988**]**, no person shall be entitled under any Act other than this Act or under any rule of law, custom or agreement to payment for his services as a juror.

(6) This section shall not apply to service on a jury summoned for the purposes of a trial of the pyx under section 8 of the Coinage Act [M8]1971.

(7) . . . . . [F42]

**Textual Amendments**

**F37** Words substituted by Administration of Justice Act 1977 (c. 38), **Sch. 2 Pt. I para. 7**

**F38** Words repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 1 Pt. I**

**F39** S. 19(1A) inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 336, **Sch. 33 para. 13**; S.I. 2004/829, **art. 2(1)(2)(g)**

**F40** Words substituted by Coroners Act 1988 (c. 13, SIF 33), ss. 33, 36(1), **Sch. 3 para. 16(1)**

**F41** Words substituted by Coroners Act 1988 (c. 13, SIF 33), ss. 33, 36(1), **Sch. 3 para. 16(2)**

**F42** S. 19(7) repealed by Social Security (Consequential Provisions) Act 1975 (c. 18, SIF 113:1), s. 1(2), **Sch. 1 Pt. I** and also expressed to be repealed by Administration of Justice Act 1977 (c. 38, SIF 37), s. 32(4), **Sch. 5 Pt. II**

**Modifications etc. (not altering text)**

**C7** S. 19(1): certain functions of the Minister for the Civil Service are transferred to the Treasury and references to that Minister are to be construed as mentioned in S.I. 1981/1670, **arts. 2(2)**, 3(5)

**Marginal Citations**

**M8** 1971 c. 24.

## 20 Offences.

(1) Subject to the provisions of subsections (2) to (4) below—

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(a) if a person duly summoned under this Act fails to attend (on the first or on any subsequent day on which he is required to attend by the summons or by the appropriate officer) in compliance with the summons, or

(b) if a person, after attending in pursuance of a summons, is not available when called on to serve as a juror, or is unfit for service by reason of drink or drugs,

he shall be liable to a fine not exceeding **[**[F43]level 3 on the standard scale**]**.

(2) An offence under subsection (1) above shall be punishable either on summary conviction or as if it were criminal contempt of court committed in the face of the court.

(3) Subsection (1)(a) above shall not apply to a person summoned, otherwise than under section 6 of this Act, unless the summons was duly served on him on a date not later than fourteen days before the date fixed by the summons for his first attendance.

(4) A person shall not be liable to be punished under the preceding provisions of this section if he can show some reasonable cause for his failure to comply with the summons, or for not being available when called on to serve, and those provisions have effect subject to the provisions of this Act about the withdrawal or alteration of a summons and about the granting of any excusal **[**[F44]or deferral**]**.

(5) If any person—

(a) having been summoned under this Act makes, or causes or permits to be made on his behalf, any false representation to the appropriate officer with the intention of evading jury service; or

(b) makes or causes to be made on behalf of another person who has been so summoned any false representation to that officer with the intention of enabling the other to evade jury service; or

(c) when any question is put to him in pursuance of section 2(5) of this Act, refuses without reasonable excuse to answer, or gives an answer which he knows to be false in a material particular, or recklessly gives an answer which is false in a material particular; or

**[**[F45](d) knowing that he is disqualified under Part 2 of Schedule 1 to this Act, serves on a jury;**]**[F46]or

(e) knowing that he is not qualified for jury service by reason of section 40 of the Criminal Justice and Public Order Act 1994, serves on a jury,**]**

he shall be liable on summary conviction to a fine of not more than **[**[F47]level 5 on the standard scale**]** in the case of an offence of serving on a jury when disqualified and, in any other case, a fine of not more than **[**[F47]level 3 on the standard scale**]**.

**Textual Amendments**

**F43** Words substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 37**, 38, 46 (with s. 47)

**F44** Words inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123(6), 170(1), Sch. 8 para. 16, **Sch. 15 para. 46**

**F45** S. 20(5)(d) substituted (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 336, **Sch. 33 para. 14**; S.I. 2004/829, **art. 2(1)(2)(g)**

**F46** S. 20(5)(e) and word inserted (3.2.1995) by 1994 c. 33, s. 168(2), **Sch 10 para. 28**; S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix B

**F47** Words substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 37**, 38, 46 (with s. 47)

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## 21 Supplemental.

(1) The Lord Chancellor may by order make such amendments or repeals of any provision of any local Act as appear to him necessary or expedient in consequence of the new provisions.

(2) The Lord Chancellor may by order make such provision as appears to him necessary or expedient for the transition to the new provisions from the former enactments and rules of law which those provisions replace and may in particular by such an order provide for transitory modifications or adaptations of the new provisions, or of the former law which the new provisions replace.

(3) The power to make orders under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and shall include power to vary or revoke any order previously made in the exercise of the power.

(4) A writ or order of venire de novo shall be in such form as the court issuing it considers appropriate.

(5) Subject to the provisions of this Act, all enactments and rules of law relating to trials by jury, juries and jurors shall continue in force and, in criminal cases, continue to apply to proceedings in the Crown Court as they applied to proceedings before a court of oyer and terminer or gaol delivery.

(6) In subsections (1) and (2) above references to the new provisions are references to those provisions of this Act which re-enact the provisions of the Courts Act [M9]1971 about trial by jury, juries and jurors and the provisions of section 25 of the Criminal Justice Act [M10]1972; and the reference in subsection (2) above to the former enactments and rules of law which the new provisions replace (and to the former law which those provisions replace) is a reference to the enactments and rules of law replaced by the said provisions of the Courts Act [M11]1971 and the provisions of the said section 25.

**Marginal Citations**

**M9** 1971 c. 23.
**M10** 1972 c. 71.
**M11** 1971 c. 23.

## 22 Consequential amendments, savings and repeals.

(1) The [M12] Coroners Act 1887 shall have effect subject to the amendments set out in Schedule 2 to this Act (being amendments consequential on certain of the repeals made by this Act).

(2) Any enactment, instrument or document referring to any enactment repealed by this Act shall, so far as may be necessary for preserving its effect, be construed as referring, or as including a reference, to the corresponding provision of this Act.

(3) Any instrument or document made, served or given and any other things done under any enactment repealed by this Act shall have effect as if made, served, given or done under the corresponding provision of this Act.

(4) The enactments mentioned in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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(5) Nothing in subsections (2) and (3) above shall be construed as affecting the operation of **[**[F48]sections 16(1) and 17(2)(a) of the Interpretation Act [M13]1978**]**

**Textual Amendments**

**F48** Words substituted by virtue of Interpretation Act 1978 (c. 30), **s. 25(2)**

**Modifications etc. (not altering text)**

**C8** The text of s. 22(1)(4) and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

**M12** 1887 c. 71.
**M13** 1978 c. 30.

## 23 Short title, interpretation, commencement and extent.

(1) This Act may be cited as the Juries Act 1974.

(2) In this Act—

"court", except where the context otherwise requires, means the Crown Court, the High Court, or a county court;

"the appropriate officer" means such officer as may be designated for the purpose in question in accordance with arrangements made by the Lord Chancellor.

(3) This Act shall come into force at the expiration of the period of one month beginning with the date on which it is passed.

(4) This Act extends to England and Wales only.

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# SCHEDULES

## [F49SCHEDULE 1

### MENTALLY DISORDERED PERSONS AND PERSONS DISQUALIFIED FOR JURY SERVICE

**Textual Amendments**

**F49** Sch. 1 substituted (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 321, 336, **Sch. 33 para. 15**; S.I. 2004/829, **art. 2(1)(2)(g)**

### PART 1

### MENTALLY DISORDERED PERSONS

1 A person who suffers or has suffered from **[**F50mental disorder within the meaning of the Mental Health Act 1983**]** and on account of that condition either—

(a) is resident in a hospital or similar institution; or

(b) regularly attends for treatment by a medical practitioner.

**Textual Amendments**

**F50** Words in Sch. 1 Pt. 1 para. 1 substituted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 1, 56, **Sch. 1 para. 18(2)**; S.I. 2008/1900, **art. 2(a)** (with art. 3)

2 A person for the time being under guardianship under section 7 of the Mental Health Act 1983 **[**F51or subject to a community treatment order under section 17A of that Act**]**.

**Textual Amendments**

**F51** Words in Sch. 1 para. 2 inserted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 32, 56, **Sch. 4 para. 4**; S.I. 2008/1900, **art. 2(i)** (with art. 3)

3 **[**F52A person who lacks capacity, within the meaning of the Mental Capacity Act 2005, to serve as a juror.**]**

**Textual Amendments**

**F52** Sch. 1 para. 3 substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68(1)-(3), **Sch. 6 para. 20** (with ss. 27-29, 62); S.I. 2007/1897, **art. 2(d)**

4 (1) F53. . . . . .

(2) F54. . . . . .

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**Textual Amendments**

**F53** Sch. 1 para. 4(1) repealed (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 1, 55, 56, Sch. 1 para. 18(2), **Sch. 11 Pt. 1**; S.I. 2008/1900, **art. 2(a)(p)** (with art. 3)

**F54** Sch. 1 para. 4(2) repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, **Sch. 11**; S.I. 2005/579, **art. 3(i)(iv)**

## PART 2

### PERSONS DISQUALIFIED

5 A person who is on bail in criminal proceedings (within the meaning of the Bail Act 1976).

6 A person who has at any time been sentenced in the United Kingdom, the Channel Islands or the Isle of Man—

(a) to imprisonment for life, detention for life or custody for life,

(b) to detention during her Majesty's pleasure or during the pleasure of the Secretary of State,

(c) to imprisonment for public protection or detention for public protection,

(d) to an extended sentence under section 227 or 228 of the Criminal Justice Act 2003 or section 210A of the Criminal Procedure (Scotland) Act 1995, or

(e) to a term of imprisonment of five years or more or a term of detention of five years or more.**]**

7 A person who at any time in the last ten years has—

(a) in the United Kingdom, the Channel Islands or the Isle of Man—

(i) served any part of a sentence of imprisonment or a sentence of detention, or

(ii) had passed on him a suspended sentence of imprisonment or had made in respect of him a suspended order for detention,

(b) in England and Wales, had made in respect of him a community order under section 177 of the Criminal Justice Act 2003, a community rehabilitation order, a community punishment order, a community punishment and rehabilitation order, a drug treatment and testing order or a drug abstinence order, or

(c) had made in respect of him any corresponding order under the law of Scotland, Northern Ireland, the Isle of Man or any of the Channel Islands.

8 For the purposes of this Part of this Schedule—

(a) a sentence passed by a court-martial is to be treated as having been passed in the United Kingdom, and

(b) a person is sentenced to a term of detention if, but only if—

(i) a court passes on him, or makes in respect of him on conviction, any sentence or order which requires him to be detained in custody for any period, and

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(ii) the sentence or order is available only in respect of offenders below a certain age,

and any reference to serving a sentence of detention is to be construed accordingly.

## SCHEDULE 2

. . . . . **F55**

**Textual Amendments**

**F55** Sch. 2 repealed by Coroners Act 1988 (c. 13, SIF 33), ss. 33, 36(2), **Sch. 4**

**Textual Amendments**

**F55** Sch. 2 repealed by Coroners Act 1988 (c. 13, SIF 33), ss. 33, 36(2), **Sch. 4**

## SCHEDULE 3

Section 22(4)

### REPEALS

**Modifications etc. (not altering text)**

**C9** The text of s. 22(1)(4) and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

| Chapter | Short Title | Extent of Repeal |
|---|---|---|
| 33 & 34 Vict. c. 77. | The Juries Act 1870. | The whole Act. |
| 11 & 12 Geo. 6. c. 58. | The Criminal Justice Act 1948. | Section 35. |
| 12 & 13 Geo. 6. c. 27. | The Juries Act 1949. | Part I.<br>Section 35(2). |
| 7 & 8 Eliz. 2. c. 22. | The County Courts Act 1959. | Section 96(2). |
| 1965 c. 26. | The Criminal Justice Act 1965. | The whole Act. |
| 1967 c. 80. | The Criminal Justice Act 1967. | Section 13. |
| 1971 c. 27. | The Courts Act 1971. | Part V.<br>Schedule 4. |
| 1972 c. 71. | The Criminal Justice Act 1972. | Part II.<br>Schedule 2.<br>In Schedule 5, the entries relating to the Courts Act 1971. |
| 1973 c. 62. | The Powers of Criminal Courts Act 1973. | In Schedule 5, paragraph 48. |

**Status:**
Point in time view as at 03/11/2008.

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