



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PART I

SOLEMN PROCEDURE

PROCEDURE PRIOR TO TRIAL

Preparation of Jury List, etc.

85 Forty-five jurors to be returned for trials

- (1) For the purpose of a trial, the number of jurors required to be returned by the sheriff principal to the court shall be 45, unless otherwise directed.
- (2) The Lord Justice Clerk or any Lord Commissioner of Justiciary may direct more than 45 persons to be summoned as jurors to serve in any trial in the High Court.

86 Jurors for High Court at Edinburgh

The High Court may by Act of Adjournal specify the areas from which and the proportions in which jurors are to be summoned for trials in that court to be held in Edinburgh, and for any such trial the sheriff principal of the sheriffdom in which the trial is to take place shall requisition the required number of jurors from the areas and in the proportions so specified.

87 Jurors for High Court when on circuit

Where the High Court is to be on circuit, the sheriff principal of the sheriffdom in which a trial is to be held shall requisition from the sheriff court districts in which the circuit is to take place the required number of jurors for that trial in such proportions as may be specified in an Act of Adjournal under this Act.

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88 Area from which jury summoned to circuit court

When the High Court shall exercise its power of holding a court in any town which may be most convenient for the trial of any crime in or near the locality in which such crime has been committed, and where such town is not one of the towns in which the High Court usually sits, the jury summoned to try such case shall be summoned from the general jury roll of the sheriff court district in which such town is situated.

89 Jurors in inferior courts

For the purpose of a trial in any inferior court the clerk of court shall be furnished with a list of names from the jury book of the sheriff court district in which the court is held, containing the number of persons required.

90 Order in which names of jurors are to be taken

The sheriffs principal, in any return of jurors made by them to a court, shall take the names in regular order, beginning at the top of the lists in the said jury books, in each of the sheriff court districts, as required ; and as often as any juror shall be returned to them, they shall mark or cause to be marked, in the said general jury book of their respective sheriff court districts the date when any such juror shall have been returned to serve; and in any such return they shall commence with the name immediately after the last in the preceding return, without regard to the court to which the return was last made, and taking the subsequent names in the order in which they shall have been entered, as herein directed, and so to the end of the lists respectively.

91 Names of jurors dying or becoming disqualified to be passed over in making returns of jurors

Where a person whose name has been entered in the said general jury book dies, or becomes disqualified as a juror, whether from loss of property, absence, or other legal cause, the sheriff principal, in making returns of jurors in accordance with the provisions of this Act, shall pass over the name of that person, but the date at which his name shall have been so passed over, and the reason therefor, shall be entered at the time in the said general jury book.

92 Jurors as returned to serve on trials

The lists returned in accordance with the provisions of this Act by the sheriffs principal to the clerks of court, and none other, shall be used for the several trials for which the same shall have been required.

93 Names of jurors to be inserted in one roll

The persons to serve upon assizes in the High Court shall be listed and their names and designations shall be inserted in one roll to be signed by the judge.

94 One list of assize sufficient for all trials at the same diet in High Court

When in the High Court more than one case shall be set down for trial at one and the same diet, it shall not be necessary to prepare more than one list of assize, and such list shall be authenticated by the signature of a judge of the said court, and shall be

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the list of assize for the trial of all parties cited to that particular diet; and the persons included in such list shall be summoned to serve generally upon the assize of all the accused cited to such diet, and one general execution of citation only shall be returned against them; and a copy of such list, certified by one of the clerks of court, shall have the like effect, for all purposes for which such list may be required, as the principal list of assize authenticated as aforesaid.

95 No irregularity in lists, etc., to be an objection to jurors

No irregularity in making up the lists in accordance with the provisions of this Act, or in transmitting the same, or in the warrant of citation, or in summoning jurors, or in returning any execution of citation, shall constitute an objection to jurors whose names shall be included in the jury list, reserving always to the court to judge of the effect of an objection founded on any felonious act by which jurors may be returned to serve in any case contrary to the provisions of this Act or the Jurors (Scotland) Act 1825.

96 Notice of jury list

- (1) It shall not be necessary to serve any list of jurors upon the accused, but on and after the date of the service of an indictment a list of jurors, prepared under the directions of the Clerk of Justiciary where the second diet is to be held in the High Court, and prepared by the sheriff clerk of the district in which the second diet for the trial of such person is to be held, where the second diet is to be held in the sheriff court shall be kept in the office of the sheriff clerk of the district in which the court of the second diet is situated, and the accused shall be entitled to have a copy supplied to him on application free of charge.
- (2) Such list shall contain not less than 30 names, and shall be headed " List of Assize for the Sitting of the High Court of Justiciary (or, the Sheriff Court of _____ at _____) on the _____ of _____ 19 ____ ."

97 Sufficient jurors only to be summoned

It shall not be necessary to summon all the jurors contained in any list of jurors under this Part of this Act, but it shall be competent to summon such jurors only, commencing from the top of the list as may be necessary to ensure a sufficient number for the trial of the cases which shall remain for trial at the date of the citation of the jurors, and such number shall be fixed by the clerk of the court in which the second diet is to be called, or in any case in the High Court by the Clerk of Justiciary, and where jurors are not summoned, from the whole jurors in any list not being required, such jurors shall be placed upon the next list issued, until they have attended to serve.

98 Jurors to be cited by registered letter or recorded delivery

The sheriff clerk of the sheriffdom in which a sitting of the High Court is to be held, or his depute, or the sheriff clerk of the sheriff court district in which any juror is to be cited, or his depute, where the citation is for a trial before a sheriff, shall fill up and sign a proper citation addressed to each such juror, and shall cause the same to be transmitted to him by letter, sent to him at his place of residence as stated in the roll of jurors by registered post or recorded delivery; and a certificate under the hand of such sheriff clerk, or his depute, of the citation of any jurors or juror in manner herein provided, shall be deemed a legal citation:

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Provided that the sheriff clerk of the sheriffdom in which a sitting of the High Court is to be held shall issue citations to the whole jurors required for said sitting, whether said jurors reside in that or in any other sheriffdom.

99 Fining of jurors for non-attendance

- (1) Persons cited to attend as jurors may be fined if they fail to attend.
- (2) A fine imposed under this section at a sitting of the High Court may, on application, be remitted in accordance with the provisions of Schedule 2 to this Act.

100 No exemptions by sex or marriage from liability to serve as juror

- (1) A person shall not be exempted by sex or marriage from the liability to serve as a juror but any judge may, in his discretion, on an application made by or on behalf of the prosecution or the accused or at his own instance, make an order that the jury shall be composed of men only or of women only, as the case may require, or may, on an application made by a woman to be exempted from service on a jury in respect of any case by reason of the nature of the evidence to be given or of the issues to be tried, grant such exemption.
- (2) Rules of court may be made by Act of Adjournal—
 - (a) prescribing the manner in which jurors are to be summoned and to be selected from the panel;
 - (b) exempting from attendance as jurors any women who are for medical reasons unfit to attend;
 - (c) as to the procedure to be adopted on any application under this section relating to service on juries;
 - (d) requiring or authorising an application under this section, or any order thereon, to be made in interlocutory proceedings. The rules of court in relation to the matters referred to in this subsection which are in force at the commencement of this Act are set out in Schedule 3 to this Act.
- (3) Any enactment relating to juries which is in force at the commencement of this Act shall have effect subject to the provisions of this section.