



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PROCEDURE PRIOR TO TRIAL

Procedure at Trial

153 Seclusion of jury, etc., after retiral.

^{F1}(1)

(2) When the jury retire to consider their verdict, the clerk of court shall enclose the jury in a room by themselves and [^{F2}, except in so far as is provided for, or is made necessary, by an instruction under subsection (3A) below,] neither he nor any other person shall be present with the jury after they are enclosed.

[^{F3}(3) Except in so far as is provided for, or is made necessary, by an instruction under subsection (3A) below, until the jury intimate that they are ready to return their verdict—

- (a) no person shall visit the jury and no person (save the judge—
 - (i) in giving a direction, whether or not sought under paragraph (b) below; or
 - (ii) in response to a request made under that paragraph),shall communicate with them:

Provided that the judge may, for the purposes of this subsection, authorise a person to act on his behalf; and

- (b) no juror shall come out of the jury room other than to receive or seek a direction from the judge or to make a request—
 - (i) for an instruction under subsection (3A) (a), (c) or (d) below; or
 - (ii) regarding any matter in the cause ^{F4}. . . .

(3A) The judge may give such instructions as he considers appropriate as regards—

- (a) the provision of meals and refreshments for the jury;
- (b) the making of arrangements for overnight accommodation for the jury and for their continued seclusion if such accommodation is provided;

Changes to legislation: *Criminal Procedure (Scotland) Act 1975, Section 153 is up to date with all changes known to be in force on or before 13 August 2023. 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) View outstanding changes*

- (c) the communication of a personal or business message, unconnected with any matter in the cause, from a juror to another person (or vice versa); or
 - (d) the provision of medical treatment, or other assistance, immediately required by a juror.]
- (4) If any prosecutor or other person contravenes the provisions of this section, the accused shall be acquitted of the crime with which he is charged.

Textual Amendments

- F1** S. 153(1) repealed (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by 1995 c. 20, s. 117, Sch. 6 Pt. 1 para. 57(a), **Sch. 7 Pt. I**; S.I. 1996/517, arts. 3(2), 4-6, **Sch. 2**
- F2** Words inserted by **Criminal Justice (Scotland) Act 1980** (c. 62, SIF 39:1), **s. 24(1)(a)**
- F3** S. 153(3)(3A) substituted for s. 153(3) by **Criminal Justice (Scotland) Act 1980** (c. 62, SIF 39:1), **s. 24(1)(b)**
- F4** Words in s. 153(3)(b)(ii) repealed (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by 1995 c. 20, s. 117, Sch. 6 Pt. 1 para. 57(b), **Sch. 7 Pt. I**; S.I. 1996/517, arts. 3(2), 4-6, **Sch. 2**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act certain function transferred. by [1994 c. 39 s. 127\(1\)128](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 168(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(6\)\(b\)](#)
- s. 364(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(14\)\(b\)](#)
- s. 413(3) (defn.of "the appropriate local authority") para. (a)(b) amended by [1994 c. 39 Sch. 13 para. 97\(5\)](#)
- s. 413(3) (defns. of "care" and "the 1968 Act") repealed (prosp.) by [1995 c. 36 s. 105\(4\)\(5\)Sch. 4 para. 24\(17\)\(b\)\(i\)Sch. 5](#)
- s. 462 (defns. of "child" "children's hearing" "place of safety" "residential establishment" and "supervision requirement") amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(18\)](#)
- s. 462 (defns. of "crime" and "prosecutor") applied (prosp.) by [1995 c. 36 s. 53\(7\)](#)