



Criminal Justice Act 1988

1988 CHAPTER 33

PART VIII

AMENDMENTS OF LAW RELATING TO JURIES

118 Abolition of peremptory challenge.

- (1) The right to challenge jurors without cause in proceedings for the trial of a person on indictment is abolished.
- (2) In addition and without prejudice to any powers which the Crown Court may possess to order the exclusion of the public from any proceedings a judge of the Crown Court may order that the hearing of a challenge for cause shall be in camera or in chambers.

119 Persons aged between 65 and 70 to be eligible as jurors.

F1

Textual Amendments

- F1 S. 119 repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 332, 336, [Sch. 37 Pt. 10](#); S.I. 2004/829, [art. 2\(2\)\(I\)\(iv\)](#) (subject to [art. 2\(3\)-\(6\)](#))

120 Discretionary deferral of jury service.

The following section shall be inserted after section 9 of the Juries Act 1974—

“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 defer his

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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.

- (2) If an application under subsection (1) above has been granted or refused, the powers conferred by that subsection may not be exercised subsequently in relation to the same summons.
- (3) Crown Court 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.
- (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.”.

121 Continuation of trials for murder on death or discharge of juror.

In section 16(2) of the ^{M1}Juries Act 1974 (cases where trial not to proceed on death or discharge of juror without assent of prosecution and accused) the words “for murder or shall cease to have effect.

Marginal Citations

M1 1974 c. 23.

122 Autrefois acquit and autrefois convict.

Where an accused pleads autrefois acquit or autrefois convict it shall be for the judge, without the presence of a jury, to decide the issue.

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

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

- s. 36(2)(b)(v) and word inserted by [2019 c. 17 s. 13\(3\)\(b\)](#)
- s. 36(3A)(3B) substituted for s. 36(3A) by [2008 c. 4 s. 46\(2\)](#)
- s. 41(4A) inserted by [2004 c. 28 Sch. 10 para. 28](#)
- s. 139AZA(1)(a)(iii) and word inserted by [2019 c. 17 s. 13\(4\)\(b\)](#)