



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART VII

#### SOLEMN PROCEEDINGS

##### *Jurors for sittings*

#### **84 Juries: returns of jurors and preparation of lists.**

- (1) For the purposes of a trial, the sheriff principal shall return such number of jurors as he thinks fit or, in relation to a trial in the High Court, such other number as the Lord Justice Clerk or any Lord Commissioner of Justiciary may direct.
- (2) The Lord Justice General, whom failing the Lord Justice Clerk, may give directions as to the areas from which and the proportions in which jurors are to be summoned for trials to be held in the High Court, 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.
- (3) Where a sitting of the High Court is to be held at a town in which the High Court does not usually sit, the jury summoned to try any case in such a sitting shall be summoned from the [<sup>F1</sup>lists] of potential jurors of the sheriff court district in which the town is situated.
- [<sup>F2</sup>(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.]

*Status: Point in time view as at 13/12/2010.*

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- (5) The sheriff principal, in any return of jurors made by him to a court, shall take the names in regular order, beginning at the top of the [F3lists] of potential jurors in each of the sheriff court districts, as required; and as often as a juror is returned to him, he shall mark or cause to be marked, in the [F3lists] of potential jurors of the respective sheriff court districts the date when any such juror was returned to serve; and in any such return he 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 are entered, as directed by this subsection, and so to the end of the lists respectively.
- (6) Where a person whose name has been entered in the lists of potential jurors dies, or ceases to be qualified to serve as a juror, the sheriff principal, in making returns of jurors in accordance with the M1Jurors (Scotland) Act 1825, shall pass over the name of that person, but the date at which his name has been so passed over, and the reason therefor, shall be entered at the time in the lists of potential jurors.
- (7) F4 . . . . .
- (8) The persons to serve as jurors at [F5trials in the High Court sitting at a particular place on a particular day] shall be listed and their names and addresses shall be inserted in one roll F6 . . . , and the list made up under this section shall be known as the “list of assize”.
- (9) When more than one case is set down for trial [F7in the High Court sitting at a particular place on a particular day] , it shall not be necessary to prepare more than one list of assize, and such list F8 . . . shall be the list of assize for [F9all trials to be held in the High Court sitting in that particular place on that particular day] ; and the persons included in such list shall be summoned to serve generally for [F10all such trials] , and only one general execution of citation shall be returned against them; and a copy of the list of assize, certified by one of the clerks of court, shall have the like effect, for all purposes for which the list may be required, as the principal list of assize authenticated as aforesaid.
- (10) No irregularity in—
  - (a) making up the lists in accordance with the provisions of this Act;
  - (b) transmitting the lists;
  - (c) F11 . . . . .
  - (d) summoning jurors; or
  - (e) in returning any execution of citation,
 shall constitute an objection to jurors whose names are included in the jury list, subject to the ruling of the court in relation to the effect of an objection as to any criminal act by which jurors may be returned to serve in any case contrary to this Act or the M2Jurors (Scotland) Act 1825.

**Textual Amendments**

**F1** Word in s. 84(3) substituted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 93(2)(a)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.

**F2** S. 84(4)(4A) substituted for s. 84(4) (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 93(2)(b)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.

**F3** Word in s. 84(5) substituted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 93(2)(c)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.

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- F4** S. 84(7) repealed (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 93(2)(d)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.
- F5** Words in s. 84(8) substituted (1.2.2005) by Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 3), **ss. 25, 27(1)**, **Sch. para. 29(a)(i)**; S.S.I. 2004/405, **art. 2**, Sch. 1 (subject to arts. 3-5)
- F6** Words in s. 84(8) repealed (1.2.2005) by Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 3), **ss. 25, 27(1)**, **Sch. para. 29(a)(ii)**; S.S.I. 2004/405, **art. 2**, Sch. 1 (subject to arts. 3-5)
- F7** Words in s. 84(9) substituted (1.2.2005) by Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 3), **ss. 25, 27(1)**, **Sch. para. 29(b)(i)**; S.S.I. 2004/405, **art. 2**, Sch. 1 (subject to arts. 3-5)
- F8** Words in s. 84(9) repealed (1.2.2005) by Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 3), **ss. 25, 27(1)**, **Sch. para. 29(b)(ii)**; S.S.I. 2004/405, **art. 2**, Sch. 1 (subject to arts. 3-5)
- F9** Words in s. 84(9) substituted (1.2.2005) by Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 3), **ss. 25, 27(1)**, **Sch. para. 29(b)(iii)**; S.S.I. 2004/405, **art. 2**, Sch. 1 (subject to arts. 3-5)
- F10** Words in s. 84(9) substituted (1.2.2005) by Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 3), **ss. 25, 27(1)**, **Sch. para. 29(b)(iv)**; S.S.I. 2004/405, **art. 2**, Sch. 1 (subject to arts. 3-5)
- F11** S. 84(10)(c) repealed (1.2.2005) by Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 3), **ss. 25, 27(1)**, **Sch. para. 29(c)**; S.S.I. 2004/405, **art. 2**, Sch. 1 (subject to arts. 3-5)

#### Marginal Citations

- M1** 6 Geo. 4. 1825 c.22.  
**M2** 6 Geo 4. 1825 c.22.

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