



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 3

COURTS AND TRIBUNALS

Juries and members of the Court Martial

68 Upper age limit for jury service to be 75

- (1) The Juries Act 1974 is amended as follows.
- (2) In section 1(1)(a) (qualification for jury service), for the words from “and” to the end substitute “and aged eighteen or over but under seventy six”.
- (3) In section 3(1) (electoral register as basis of jury selection), for “less than eighteen or more than seventy years of age” substitute “—
 - (a) aged under eighteen, or
 - (b) aged seventy six or over”.

69 Jurors and electronic communications devices

In the Juries Act 1974, after section 15 insert—

“15A Surrender of electronic communications devices

- (1) A judge dealing with an issue may order the members of a jury trying the issue to surrender any electronic communications devices for a period.
- (2) An order may be made only if the judge considers that—
 - (a) the order is necessary or expedient in the interests of justice, and
 - (b) the terms of the order are a proportionate means of safeguarding those interests.
- (3) An order may only specify a period during which the members of the jury are—

- (a) in the building in which the trial is being heard,
 - (b) in other accommodation provided at the judge's request,
 - (c) visiting a place in accordance with arrangements made by the court, or
 - (d) travelling to or from a place mentioned in paragraph (b) or (c).
- (4) An order may be made subject to exceptions.
- (5) It is a contempt of court for a member of a jury to fail to surrender an electronic communications device in accordance with an order under this section.
- (6) Proceedings for a contempt of court under this section may only be instituted on the motion of a court having jurisdiction to deal with it.
- (7) In this section, “electronic communications device” means a device that is designed or adapted for a use which consists of or includes the sending or receiving of signals that are transmitted by means of an electronic communications network (as defined in section 32 of the Communications Act 2003).”

70 Jurors and electronic communications devices: powers of search etc

- (1) Part 4 of the Courts Act 2003 (court security officers) is amended as follows.
- (2) After section 54 insert—

“54A Powers in relation to jurors’ electronic communications devices

- (1) This section applies where an order has been made under section 15A of the Juries Act 1974 (surrender of electronic communications devices by jurors) in respect of the members of a jury.
 - (2) A court security officer acting in the execution of the officer's duty must, if ordered to do so by a judge, search a member of the jury in order to determine whether the juror has failed to surrender an electronic communications device in accordance with the order.
 - (3) Subsection (2) does not authorise the officer to require a person to remove clothing other than a coat, jacket, headgear, gloves or footwear.
 - (4) If the search reveals a device which is required by the order to be surrendered—
 - (a) the officer must ask the juror to surrender the device, and
 - (b) if the juror refuses to do so, the officer may seize it.
 - (5) In this section, “electronic communications device” means a device that is designed or adapted for a use which consists of or includes the sending or receiving of signals that are transmitted by means of an electronic communications network (as defined in section 32 of the Communications Act 2003).”
- (3) In section 55 (powers to retain articles surrendered or seized)—
- (a) after subsection (1) insert—

“(1A) Subject to subsection (2), a court security officer may retain an article which was—

- (a) surrendered in response to a request under section 54A(4)(a),
or
 - (b) seized under section 54A(4)(b),
until the end of the period specified in the relevant order under
section 15A of the Juries Act 1974.”, and
- (b) in subsection (2), for paragraph (a) substitute—
 - “(a) the time specified in subsection (1) or (1A) (as appropriate),
or”.
- (4) In section 56(1)(a) (regulations about retention of articles)—
 - (a) in sub-paragraph (i), after “54(1)” insert “or 54A(4)(a)”, and
 - (b) in sub-paragraph (ii), after “54(2)” insert “or 54A(4)(b)”.

71 Research by jurors

- (1) The Juries Act 1974 is amended as follows.
- (2) For the heading of section 20 substitute “Offences: failure to attend, serving while disqualified etc”.
- (3) After section 20 insert—

“20A Offence: research by jurors

- (1) It is an offence for a member of a jury that tries an issue in a case before a court to research the case during the trial period, subject to the exceptions in subsections (6) and (7).
- (2) A person researches a case if (and only if) the person—
 - (a) intentionally seeks information, and
 - (b) when doing so, knows or ought reasonably to know that the information is or may be relevant to the case.
- (3) The ways in which a person may seek information include—
 - (a) asking a question,
 - (b) searching an electronic database, including by means of the internet,
 - (c) visiting or inspecting a place or object,
 - (d) conducting an experiment, and
 - (e) asking another person to seek the information.
- (4) Information relevant to the case includes information about—
 - (a) a person involved in events relevant to the case,
 - (b) the judge dealing with the issue,
 - (c) any other person involved in the trial, whether as a lawyer, a witness or otherwise,
 - (d) the law relating to the case,
 - (e) the law of evidence, and
 - (f) court procedure.
- (5) “The trial period”, in relation to a member of a jury that tries an issue, is the period—

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- (a) beginning when the person is sworn to try the issue, and
 - (b) ending when the judge discharges the jury or, if earlier, when the judge discharges the person.
- (6) It is not an offence under this section for a person to seek information if the person needs the information for a reason which is not connected with the case.
- (7) It is not an offence under this section for a person—
 - (a) to attend proceedings before the court on the issue;
 - (b) to seek information from the judge dealing with the issue;
 - (c) to do anything which the judge dealing with the issue directs or authorises the person to do;
 - (d) to seek information from another member of the jury, unless the person knows or ought reasonably to know that the other member of the jury contravened this section in the process of obtaining the information;
 - (e) to do anything else which is reasonably necessary in order for the jury to try the issue.
- (8) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (9) Proceedings for an offence under this section may only be instituted by or with the consent of the Attorney General.”

72 **Sharing research with other jurors**

In the Juries Act 1974, after section 20A insert—

“20B Offence: sharing research with other jurors

- (1) It is an offence for a member of a jury that tries an issue in a case before a court intentionally to disclose information to another member of the jury during the trial period if—
 - (a) the member contravened section 20A in the process of obtaining the information, and
 - (b) the information has not been provided by the court.
- (2) Information has been provided by the court if (and only if) it has been provided as part of—
 - (a) evidence presented in the proceedings on the issue, or
 - (b) other information provided to the jury or a juror during the trial period by, or with the permission of, the judge dealing with the issue.
- (3) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (4) Proceedings for an offence under this section may not be instituted except by or with the consent of the Attorney General.
- (5) In this section, “the trial period” has the same meaning as in section 20A.”

73 Jurors engaging in other prohibited conduct

In the Juries Act 1974, after section 20B insert—

“20C Offence: jurors engaging in other prohibited conduct

- (1) It is an offence for a member of a jury that tries an issue in a case before a court intentionally to engage in prohibited conduct during the trial period, subject to the exceptions in subsections (4) and (5).
- (2) “Prohibited conduct” means conduct from which it may reasonably be concluded that the person intends to try the issue otherwise than on the basis of the evidence presented in the proceedings on the issue.
- (3) An offence under this section is committed whether or not the person knows that the conduct is prohibited conduct.
- (4) It is not an offence under this section for a member of the jury to research the case (as defined in section 20A(2) to (4)).
- (5) It is not an offence under this section for a member of the jury to disclose information to another member of the jury.
- (6) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (7) Proceedings for an offence under this section may not be instituted except by or with the consent of the Attorney General.
- (8) In this section, “the trial period” has the same meaning as in section 20A.”

74 Disclosing jury’s deliberations

(1) In the Juries Act 1974, after section 20C insert—

“20D Offence: disclosing jury’s deliberations

- (1) It is an offence for a person intentionally—
 - (a) to disclose information about statements made, opinions expressed, arguments advanced or votes cast by members of a jury in the course of their deliberations in proceedings before a court, or
 - (b) to solicit or obtain such information,subject to the exceptions in sections 20E to 20G.
- (2) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (3) Proceedings for an offence under this section may not be instituted except by or with the consent of the Attorney General.

20E Offence of disclosing jury's deliberations: initial exceptions

- (1) It is not an offence under section 20D for a person to disclose information in the proceedings mentioned in section 20D(1) for the purposes of enabling the jury to arrive at their verdict or in connection with the delivery of that verdict.
- (2) It is not an offence under section 20D for the judge dealing with those proceedings to disclose information—
 - (a) for the purposes of dealing with the case, or
 - (b) for the purposes of an investigation by a relevant investigator into whether an offence or contempt of court has been committed by or in relation to a juror in the proceedings mentioned in section 20D(1).
- (3) It is not an offence under section 20D for a person who reasonably believes that a disclosure described in subsection (2)(b) has been made to disclose information for the purposes of the investigation.
- (4) It is not an offence under section 20D to publish information disclosed as described in subsection (1) or (2)(a) in the proceedings mentioned in section 20D(1).
- (5) In this section—
 - “publish” means make available to the public or a section of the public;
 - “relevant investigator” means—
 - (a) a police force;
 - (b) the Attorney General;
 - (c) any other person or class of person specified by the Lord Chancellor for the purposes of this section by regulations made by statutory instrument.
- (6) The Lord Chancellor must obtain the consent of the Lord Chief Justice before making regulations under this section.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

20F Offence of disclosing jury's deliberations: further exceptions

- (1) It is not an offence under section 20D for a person to disclose information to a person listed in subsection (2) if—
 - (a) the disclosure is made after the jury in the proceedings mentioned in section 20D(1) has been discharged, and
 - (b) the person making the disclosure reasonably believes that—
 - (i) an offence or contempt of court has been, or may have been, committed by or in relation to a juror in connection with those proceedings, or
 - (ii) conduct of a juror in connection with those proceedings may provide grounds for an appeal against conviction or sentence.
- (2) Those persons are—
 - (a) a member of a police force;

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- (b) a judge of the Court of Appeal;
 - (c) the registrar of criminal appeals;
 - (d) a judge of the court where the proceedings mentioned in section 20D(1) took place;
 - (e) a member of staff of that court who would reasonably be expected to disclose the information only to a person mentioned in paragraphs (b) to (d).
- (3) It is not an offence under section 20D for a member of a police force to disclose information for the purposes of obtaining assistance in deciding whether to submit the information to a judge of the Court of Appeal or the registrar of criminal appeals, provided that the disclosure does not involve publishing the information.
- (4) It is not an offence under section 20D for a judge of the Court of Appeal or the registrar of criminal appeals to disclose information for the purposes of an investigation by a relevant investigator into—
 - (a) whether an offence or contempt of court has been committed by or in relation to a juror in connection with the proceedings mentioned in section 20D(1), or
 - (b) whether conduct of a juror in connection with those proceedings may provide grounds for an appeal against conviction or sentence.
- (5) It is not an offence under section 20D for a judge of the Court of Appeal or the registrar of criminal appeals to disclose information for the purposes of enabling or assisting—
 - (a) a person who was the defendant in the proceedings mentioned in section 20D(1), or
 - (b) a legal representative of such a person,to consider whether conduct of a juror in connection with those proceedings may provide grounds for an appeal against conviction or sentence.
- (6) It is not an offence under section 20D for a person who reasonably believes that a disclosure described in subsection (4) or (5) has been made to disclose information for the purposes of the investigation or consideration in question.
- (7) It is not an offence under section 20D for a person to disclose information in evidence in—
 - (a) proceedings for an offence or contempt of court alleged to have been committed by or in relation to a juror in connection with the proceedings mentioned in section 20D(1),
 - (b) proceedings on an appeal, or an application for leave to appeal, against a decision in the proceedings mentioned in section 20D(1) where an allegation relating to conduct of or in relation to a juror forms part of the grounds of appeal, or
 - (c) proceedings on any further appeal or reference arising out of proceedings mentioned in paragraph (a) or (b).
- (8) It is not an offence under section 20D for a person to disclose information in the course of taking reasonable steps to prepare for proceedings described in subsection (7)(a) to (c).

- (9) It is not an offence under section 20D to publish information disclosed as described in subsection (7).
- (10) In this section—
- “publish” means make available to the public or a section of the public;
 - “relevant investigator” means—
 - (a) a police force;
 - (b) the Attorney General;
 - (c) the Criminal Cases Review Commission;
 - (d) the Crown Prosecution Service;
 - (e) any other person or class of person specified by the Lord Chancellor for the purposes of this section by regulations made by statutory instrument.
- (11) The Lord Chancellor must obtain the consent of the Lord Chief Justice before making regulations under this section.
- (12) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

20G Offence of disclosing jury’s deliberations: exceptions for soliciting disclosures or obtaining information

- (1) It is not an offence under section 20D to solicit a disclosure described in section 20E(1) to (4) or section 20F(1) to (9).
- (2) It is not an offence under section 20D to obtain information—
- (a) by means of a disclosure described in section 20E(1) to (4) or section 20F(1) to (9), or
 - (b) from a document that is available to the public or a section of the public.”
- (2) In the Contempt of Court Act 1981, as it extends to England and Wales, section 8 (confidentiality of jury’s deliberations) is repealed.
- (3) In section 8(1) of that Act, as it extends to Scotland and Northern Ireland, at the beginning insert “In Scotland and Northern Ireland,”.
- (4) In the heading of that section, at the end insert “: Scotland and Northern Ireland”.

75 Juries at inquests

Schedule 13 makes provision about juries at inquests and their deliberations.

76 Members of the Court Martial

Schedule 14 makes provision about members of the Court Martial and their deliberations.

77 Supplementary provision

- (1) In Schedule 1 to the Juries Act 1974 (persons disqualified for jury service), after paragraph 6 insert—

“6A A person who at any time in the last ten years has been convicted of—

- (a) an offence under section 20A, 20B, 20C or 20D of this Act,
- (b) an offence under paragraph 5A, 5B, 5C or 5D of Schedule 6 to the Coroners and Justice Act 2009 (equivalent offences relating to jurors at inquests), or
- (c) an offence under paragraph 2, 3, 4 or 5 of Schedule 2A to the Armed Forces Act 2006 (equivalent offences relating to members of the Court Martial).”

- (2) In section 22 of the Juries Act 1974 (consequential amendments, savings and repeals), at the beginning insert—

“(A1) Nothing in section 20A, 20B or 20C affects what constitutes contempt of court at common law.”