



Courts Act 1971

1971 CHAPTER 23

PART V

JURIES

31 Summing of jurors

- (1) Subject to the provisions of this Part of this Act, the Lord Chancellor shall be responsible for the summoning of jurors to attend for service in the Crown Court, the High Court and county courts and for determining the occasions on which they are to attend when so summoned, and the number to be summoned.
- (2) In making arrangements to discharge his duty under subsection (1) above the Lord Chancellor shall have regard to the convenience of the persons summoned and as to their respective places of residence, and in particular to the desirability of selecting jurors within reasonable daily travelling distance of the place where they are to attend.
- (3) Subject to subsection (2) above, there shall be no restriction on the places in England and Wales at which a person may be required to attend or serve on a jury under this Part of this Act and in section 1 of the Juries Act 1825 (under which jurors' qualifications are related to issues triable in the county or other area in which they reside) for the words following " liable to serve on juries for the trial of all issues joined in " to the end of the section there shall be substituted the words " the Crown Court or the High Court or any county court ".
- (4) Subject to the provisions of this Part of this Act, jurors shall be so summoned by notice in writing sent by post, or delivered by hand.

For the purposes of section 26 of the Interpretation Act 1889 (presumption as to receipt of letter properly addressed and sent by post) the notice shall be regarded as properly addressed if the address is that recorded in the jurors book, and a notice so addressed, and delivered by hand to that address, shall be deemed to have been delivered personally to the person to whom it is addressed unless the contrary is proved.

Status: This is the original version (as it was originally enacted).

- (5) A certificate signed by the appropriate officer and stating that a written summons under this Part of this Act, properly addressed and prepaid, was posted by him shall be admissible as evidence in any proceedings, and shall be so admissible without proof of his signature or official character.
- (6) If it appears to the appropriate officer, at any time before the day on which any person so summoned is first to attend, that his attendance is unnecessary, or can be dispensed with on any particular day or days, the appropriate officer may withdraw or alter the summons by notice served in the same way as a notice of summons.
- (7) Every written summons under this Part of this Act shall be accompanied by a notice stating the effect of subsections (1) to (4) of section 14 of the Criminal Justice Act 1967 (disqualification of ex-prisoners from serving on juries in criminal proceedings).

32 Panels of jurors

- (1) The arrangements to be made by the Lord Chancellor under this Part of this Act shall include the preparation of lists (called panels) of persons summoned as jurors, and the information to be included in panels, the court sittings for which they are prepared, their division into parts or sets (whether according to the day of first attendance or otherwise), their enlargement or amendment, and all other matters relating to the contents and form of the panels shall be such as the Lord Chancellor may from time to time direct.
- (2) A party to proceedings in which jurors are or may be called on to try an issue, and any person acting on behalf of a party to such proceedings, shall be entitled to reasonable facilities for inspecting the panel from which the jurors are or will be drawn.
- (3) The right conferred by subsection (2) above shall not be exercisable after the close of the trial by jury (or after the time when it is no longer possible for there to be a trial by jury).
- (4) The court may, if it thinks fit, at any time afford to any person facilities for inspecting the panel, although not given the right by subsection (2) above.

33 Summoning in exceptional circumstances

- (1) If it appears to the court that a jury to try any issue before the court will be, or probably will be, incomplete, the court may, if the court thinks fit, require any persons who are in, or in the vicinity of, the court, and who have the qualifications required by the Juries Act 1825, or who appear to the court, although not so qualified, to be responsible and suitable persons, to be summoned (without any written notice) up to such number as is needed (after allowing for refusals and challenges) to make up a full jury.
- (2) The names of the persons so summoned shall be added to the panel, and challenges may be made accordingly, and the court shall proceed as if those so summoned had been included in the panel in the first instance.
- (3) Notwithstanding section 8(2)(b) of the Juries Act 1922, a person shall be liable to serve as a juror in pursuance of a summons under this section even though his name is not included in the register of electors.

34 Attendance and service, and excusals

- (1) Subject to the provisions of this Part of this Act, a person summoned under this Part of this Act shall attend for so many days as may be directed by the summons or by the appropriate officer, and shall be liable to serve on any jury (in the Crown Court or the High Court or any county court) at the place to which he is summoned, or in the vicinity.
- (2) If any person summoned under this Part of this Act shows to the satisfaction of the appropriate officer that there is good reason why he should be excused from attending in pursuance of the summons, the appropriate officer may, notwithstanding anything in the Juries Act 1825 or any other Act, excuse that person from so attending.
- (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 excuse him under subsection (2) above.
- (4) Without prejudice to the preceding provisions of this section, the court (or any of the courts) before whom a person is summoned to attend under this Part of this Act may excuse that person from so attending.

35 The ballot, and swearing of jurors

- (1) The jury to try an issue before a court shall be selected by ballot in open court from the panel, or part of the panel, of jurors summoned to attend at the time and place in question, and any challenge shall be made after the juror's name has been drawn by ballot, and before he is sworn.
- (2) The power of summoning jurors under section 33 of this Act may be exercised after balloting has begun, as well as earlier, and if exercised after balloting has begun the court may dispense with balloting for persons summoned under that section.
- (3) No two or more members of a jury to try an issue in a court shall be sworn together, and section 35(3) of the Criminal Justice Act 1948 shall cease to have effect.
- (4) Subject to subsection (5) below, the jury selected by any one ballot shall try only one issue (but any juror shall be liable to be selected on more than one ballot).
- (5) Subsection (4) above shall not prevent—
 - (a) the trial of two or more issues by the same jury if the trial of the second or last issue begins within 24 hours from the time when the jury is constituted, or
 - (b) in a criminal case, the trial of fitness to plead by the same jury as that by whom the accused is being tried, if that is so directed by the court under section 4(4)(b) of the Criminal Procedure (Insanity) Act 1964, or
 - (c) in a criminal case beginning with a special plea, the trial of the accused on the general issue by the jury trying the special plea.
- (6) In the cases within subsection (5)(a), (b) and (c) above the court may, on the trial of the second or any subsequent issue, instead of proceeding with the same entire jury, order any juror to withdraw, if the court considers he could be justly challenged or excused, or if the parties to the proceedings consent, and the juror to replace him shall, subject to subsection (2) above, be selected by ballot in open court.

Status: This is the original version (as it was originally enacted).

- (7) Proviso (b) to section 1 of the Sex Disqualification (Removal) Act 1919 (under which a judge may order that a jury be composed of men only or of women only) shall cease to have effect.

36 Payments in respect of jury service

- (1) All payments under section 1 of the Juries Act 1949 (payments in respect of jury service) shall be made out of money provided by Parliament.
- (2) In section 1(4) of the said Act (regulations of the Secretary of State prescribing scales of payment, and conditions of payment) for both references to the Secretary of State there shall be substituted references to the Lord Chancellor.
- (3) The determination of the amounts payable to persons under the said section 1, and the manner of making those payments, shall be in accordance with arrangements made by the Lord Chancellor.
- (4) Subsection (1) and subsection (3) above and the said section 1(4) of the Act of 1949 shall not apply to payments in respect of service at a coroner's court, and—
- (a) in the said section 1 as it applies to such service "prescribed", shall mean prescribed by regulations made by statutory instrument by the Secretary of State with the consent of the Treasury, and
 - (b) the amount due to any person in respect of such service shall be ascertained and paid over to him by the coroner.
- (5) Nothing in this section shall affect the validity of any regulations made before the appointed day.

37 Exemption for previous jury service

- (1) If a person summoned under this Part of this Act shows to the satisfaction of the appropriate officer, or of the court (or any of the courts) to which he is summoned—
- (a) that he has served on a jury, or duly attended to serve on a jury, in the prescribed period ending with the service of the summons on him, or
 - (b) that the Crown Court or any other court has excused him from jury service for a period which has not terminated,
- the officer or court shall excuse him from attending, or further attending, in pursuance of the summons.
- (2) In subsection (1) above "the prescribed period" means two years or such longer period as the Lord Chancellor may from time to time prescribe by order in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Records of persons summoned under this Part of this Act, and of persons included in panels, shall be kept in such manner as the Lord Chancellor may direct, and the Lord Chancellor may, if he thinks fit, make arrangements for allowing inspection of the records so kept by members of the public in such circumstances and subject to such conditions as he may prescribe.
- (4) A person duly attending in compliance with a summons under this Part of this Act shall be entitled on application to the appropriate officer to a certificate recording that he has so attended.

- (5) In subsection (1) above the words " served on a jury " refer to service, whether before the appointed day or later, on a jury in any court, including any court of assize or other court abolished by this Act, but excluding service on a jury in a coroner's court.

38 Offences

- (1) Subject to the provisions of this section—
- (a) if a person duly summoned under this Part of this Act fails to attend (on the first or on any subsequent day on which he is required to attend by the summons or by the appropriate officer) in compliance with the summons, or
 - (b) if a person, after attending in pursuance of a summons, is not available when called on to serve as a juror, or is unfit for service by reason of drink or drugs, he shall be liable to a fine not exceeding £100.
- (2) An offence under subsection (1) above shall be punishable either on summary conviction or as if it were criminal contempt of court committed in the face of the court.
- (3) Subsection (1)(a) above shall not apply to a person summoned, otherwise than under section 33 of this Act, unless the summons was duly served on him on a date not later than fourteen days before the date fixed by the summons for his first attendance.
- (4) A person shall not be liable to be punished under this section if he can show some reasonable cause for his failure to comply with the summons, or for not being available when called on to serve, and this section has effect subject to the provisions of this Part of this Act about the withdrawal or alteration of a summons, and about the granting of any excusal or exemption.

39 Civil proceedings: majority verdicts

- (1) Subject to subsection (3) below, the verdict of a jury in proceedings in the High Court need not be unanimous if—
- (a) in a case where there are not less than 11 jurors, 10 of them agree on the verdict, and
 - (b) in a case where there are 10 jurors, 9 of them agree on the verdict.
- (2) Subject to subsection (3) below, the verdict of a jury (that is to say a complete jury of 8) in proceedings in a county court need not be unanimous if 7 of them agree on the verdict.
- (3) The court shall not accept a verdict by virtue of subsection (1) or subsection (2) above unless it appears to the court that the jury have had such period of time for deliberation as the court thinks reasonable having regard to the nature and complexity of the case.
- (4) This section is without prejudice to any practice by which a court may accept a majority verdict with the consent of the parties, or by which the parties may agree to proceed in any case with an incomplete jury.

40 Abolition of special juries and supplemental provisions

- (1) Special juries shall be abolished, and sections 18 and 19 of the Juries Act 1949 (under which special juries were preserved for certain commercial cases) shall cease to have effect.

Status: This is the original version (as it was originally enacted).

- (2) No judgment after verdict upon any indictment, or after verdict in any other trial by jury in any court, shall be stayed or reversed by reason—
- (a) that the provisions of this Act about the summoning or impanelling of jurors, or the selection of jurors by ballot, have not been complied with, or
 - (b) that a juror was not included in the relevant jurors' book or jury list, or
 - (c) that any juror was misnamed or misdescribed, or
 - (d) that any juror was unfit to serve.
- (3) Subsection (2)(a) above shall not apply to any irregularity if objection is taken at, or as soon as practicable after, the time it occurs, and the irregularity is not corrected.
- (4) Nothing in subsection (2) above shall apply to any objection to a verdict on the ground of personation.
- (5) Subject to the express provisions of this Act, all enactments and rules of law relating to trials by jury, juries and jurors, shall continue in force and, in criminal cases, apply to proceedings in the Crown Court as they applied to proceedings before a court of oyer and terminer or gaol delivery.
- (6) In this Part of this Act—
- " court " except where the context otherwise requires, means the Crown Court, the High Court, or a county court,
 - " the appropriate officer " means such officer as may be designated for the purpose in question by arrangements made by the Lord Chancellor.
- (7) Schedule 4 to this Act shall have effect for supplementing this Part of this Act.