



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PROCEDURE PRIOR TO TRIAL

Preparation of Jury List, etc.

[^{F1}85 Number of jurors to be returned for trial.

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.]

Textual Amendments

- F1** S. 85 substituted (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by 1995 c. 20, s. 117(1), **Sch. 6 Pt. 1 para. 35**; S.I. 1996/517, arts. 3(2), 4-6, Sch. 2

86 Jurors for High Court at Edinburgh.

[^{F2}(1)] [^{F3}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 [^{F4}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.

[^{F5}(2) 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 general jury roll of the sheriff court district in which the town is situated.]

Textual Amendments

- F2** S. 86 renumbered s. 86(1) by virtue of **Criminal Justice (Scotland) Act 1987** (c. 41, SIF 39:1), ss. 47(4)(a), 70(1), **Sch. 1 para. 5(b)**
- F3** Words substituted by **Criminal Justice (Scotland) Act 1987** (c. 41, SIF 39:1), ss. 47(4)(a), 70(1), **Sch. 1 para. 5(a)**

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- F4** Words substituted by [Criminal Justice \(Scotland\) Act 1987 \(c. 41, SIF 39:1\)](#), ss. 47(4)(a), 70(1), [Sch. 1 para. 5\(b\)](#)
- F5** S. 86(2) added by [Criminal Justice \(Scotland\) Act 1987 \(c. 41, SIF 39:1\)](#), ss. 47(4)(a), 70(1), [Sch. 1 para. 5\(b\)](#)

87, 88. ^{F6}

Textual Amendments

- F6** Ss. 87, 88 repealed by [Criminal Justice \(Scotland\) Act 1987 \(c. 41, SIF 39:1\)](#), ss. 47(4)(a), 70(2), [Sch. 2](#)

89 Jurors in inferior courts.

For the purpose of a trial in any inferior court the clerk of court shall be furnished with a list of names from the [^{F7}lists of potential jurors] of the sheriff court district in which the court is held, containing the number of persons required.

Textual Amendments

- F7** Words substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 39:1\)](#), s. 25(2), [Sch. 2 para. 16](#)

90 Order in which names of jurors are to be taken.

The sheriffs principal, in any return of jurors made by them to a court, shall take the names in regular order, beginning at the top of the [^{F8}lists of potential jurors], in each of the sheriff court districts, as required; and as often as any juror shall be returned to them, they shall mark or cause to be marked, in the [^{F8}lists of potential jurors] of their respective sheriff court districts the date when any such juror shall have been returned to serve; and in any such return they 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 shall have been entered, as herein directed, and so to the end of the lists respectively.

Textual Amendments

- F8** Words substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 39:1\)](#), s. 25(2), [Sch. 2 para. 16](#)

91 Names of jurors dying or becoming disqualified to be passed over in making returns of jurors.

Where a person whose name has been entered in the [^{F9}lists of potential jurors] dies, or [^{F10}ceases to be qualified to serve as a juror], the sheriff principal, in making returns of jurors in accordance with the provisions of this Act, shall pass over the name of that person, but the date at which his name shall have been so passed over, and the reason therefor, shall be entered at the time in the [^{F9}lists of potential jurors].

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Textual Amendments

- F9** Words substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 39:1\)](#), s. 25(2), [Sch. 2 para. 16](#)
- F10** Words substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 72:2\)](#), [Sch. 2 para. 6](#)

92 Jurors as returned to serve on trials.

The lists returned in accordance with the provisions of this Act by the sheriffs principal to the clerks of court, and none other, shall be used for the several trials for which the same shall have been required.

93 Names of jurors to be inserted in one roll.

The persons to serve upon assizes in the High Court shall be listed and their names and [^{F11}addresses] shall be inserted in one roll to be signed by the judge.

Textual Amendments

- F11** Word in [s. 93](#) substituted (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by c. 20, s. 117(1), Sch. 6 Pt. I para. 36; [S.I. 1996/517](#), arts. 3(2), 4-6, Sch. 2

94 One list of assize sufficient for all trials at the same diet in High Court.

When in the High Court more than one case shall be set down for trial at one and the same diet, it shall not be necessary to prepare more than one list of assize, and such list shall be authenticated by the signature of a judge of the said court, and shall be the list of assize for the trial of all parties cited to that particular diet; and the persons included in such list shall be summoned to serve generally upon the assize of all the accused cited to such diet, and one general execution of citation only shall be returned against them; and a copy of such list, certified by one of the clerks of court, shall have the like effect, for all purposes for which such list may be required, as the principal list of assize authenticated as aforesaid.

95 No irregularity in lists, etc., to be an objection to jurors.

No irregularity in making up the lists in accordance with the provisions of this Act, or in transmitting the same, or in the warrant of citation, or in summoning jurors, or in returning any execution of citation, shall constitute an objection to jurors whose names shall be included in the jury list, reserving always to the court to judge of the effect of an objection founded on any felonious act by which jurors may be returned to serve in any case contrary to the provisions of this Act or the ^{M1}Jurors (Scotland) Act 1825.

Marginal Citations

- M1** [1825 c. 22\(72:2\)](#).

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96 Note of jury list.

- (1) It shall not be necessary to serve any list of jurors upon the accused, but on and after the date of the service of an indictment a list of jurors, prepared under the directions of the [^{F12}clerk of the court before which the trial is to take place,] shall be kept in the office of the sheriff clerk of the district in which the court of the [^{F12}trial diet] is situated, and the accused shall be entitled to have a copy supplied to him on application free of charge.
- (2) Such list shall contain not less than 30 names, and shall be headed “List of Assize for the Sitting of the High Court of Justiciary (or, the Sheriff Court of at) on the of 19”

Textual Amendments

F12 Words substituted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), Sch. 4 para. 13, [Sch. 6 para. 1](#)

Modifications etc. (not altering text)

C1 [S. 96](#) restricted by [S.I. 1988/110](#), [rule 11](#)

97 Sufficient jurors only to be summoned.

It shall not be necessary to summon all the jurors contained in any list of jurors under this Part of this Act, but it shall be competent to summon such jurors only, commencing from the top of the list as may be necessary to ensure a sufficient number for the trial of the cases which shall remain for trial at the date of the citation of the jurors, and such number shall be fixed by the clerk of the court in which the second diet is to be called, or in any case in the High Court by the Clerk of Justiciary, and where jurors are not summoned, from the whole jurors in any list not being required, such jurors shall be placed upon the next list issued, until they have attended to serve.

98 Jurors to be cited by registered letter or recorded delivery.

The sheriff clerk of the sheriffdom in which a sitting of the High Court is to be held, or his depute, or the sheriff clerk of the sheriff court district in which any juror is to be cited, or his depute, where the citation is for a trial before a sheriff, shall fill up and sign a proper citation addressed to each such juror, and shall cause the same to be transmitted to him by letter, sent to him at his place of residence as stated in the [^{F13}lists of potential] jurors by registered post or recorded delivery [^{F14}or to be served on him by an officer of law]; and a certificate under the hand of such sheriff clerk, or his depute, of the citation of any jurors or juror in manner herein provided, shall be deemed a legal citation:

Provided that the sheriff clerk of the sheriffdom in which a sitting of the High Court is to be held shall issue citations to the whole jurors required for said sitting, whether said jurors reside in that or in any other sheriffdom.

Textual Amendments

F13 Words substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 39:1\)](#), s. 23(2), [Sch. 2 para. 17](#)

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F14 Words inserted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), Sch. 6 para. 1, **Sch. 7 para. 29**

99 Fining of jurors for non-attendance.

(1) Persons cited to attend as jurors may ^{F15}, unless they have been excused in respect thereof under section 1 of the ^{M2}Law Reform (Miscellaneous Provisions) (Scotland) Act 1980,] be fined ^{F15}up to £200] if they fail to attend ^{F15}in compliance with the citation].

^{F16}(2) A fine imposed under subsection (1) above may, on application, be remitted—
(a) by a Lord Commissioner of Justiciary where imposed in the High Court;
(b) by the sheriff where imposed in the sheriff court;
and no court fees or expenses shall be exigible in respect of any such application.]

Textual Amendments

F15 Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 72:2\)](#), **s. 2(3)(a)**

F16 [S. 99\(2\)](#) substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 72:2\)](#), **s. 2(3)(b)**

Marginal Citations

M2 [1980 c. 55\(72:2\)](#).

100 No exemptions by sex or marriage from liability to serve as juror.

(1) A person shall not be exempted by sex or marriage from the liability to serve as a juror ^{F17}. . . .

^{F18}(2)

^{F18}(3)

Textual Amendments

F17 Words in [s. 100\(1\)](#) repealed (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by [1995 c. 20, s. 117, Sch. 6 Pt. I para. 37, Sch. 7 Pt. I](#); [S.I. 1996/517](#), arts. 3(2), 4-6, Sch. 2

F18 [S. 100\(2\)\(3\)](#) repealed (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by [1995 c. 20, s. 117, Sch. 6 Pt. I para. 37, 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\(7\)](#)