



Law Reform (Miscellaneous Provisions) (Scotland) Act 1980

1980 CHAPTER 55

Juries

1 Qualification of jurors.

- (1) Subject ^{F1}...[^{F2} to section 1A], every person who—
- (a) is for the time being registered as a parliamentary or local government elector;
 - [^{F3}(b) is not less than 18 years of age;]
 - (c) has been ordinarily resident in the United Kingdom the Channel Islands or the Isle of Man for any period of at least 5 years since attaining the age of 13 years; and
 - (d) is not among the persons listed in Part I of Schedule 1 to this Act, being persons hereby declared ineligible for, nor among those listed in Part II of that Schedule, being persons hereby declared disqualified from, jury service,
- ^{F4}shall be qualified and liable to serve as a juror in any Scottish court

^{F5}[^{F6}(1A)]

^{F7}(2)

^{F8}(3)

- (4) The fact that any person serving on the jury chosen for a particular trial (whether before or after the coming into force of this Act) is, under subsection (1) above, ineligible or not qualified for or disqualified from jury service, or was under section 1 of the Jurors (Scotland) Act ^{M1}1825 not qualified for such service, (as the case may be), shall not in itself affect the validity of any verdict returned by that jury in the trial.
- (5) A person cited to attend for jury service and not excused ^{F9}...[^{F10} under section 1A] may, if he shows to the satisfaction of the clerk of the court issuing the citation that there is good reason why he should be excused from attending in compliance with the citation, be excused by that clerk of court from so attending.

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[^{F11}(5A) Where the clerk of court has, under subsection (5) above, excused a person from jury service in any criminal proceedings he shall, unless he considers there to be exceptional circumstances which make it inappropriate to do so, within one year of the date of that excusal cite that person to attend for jury service in criminal proceedings.]

(6) Without prejudice to—

(a) the preceding provisions of this section;

[^{F12}(aa) section 1A;]

(b) ^{F13}

[^{F14}(c) section 85(8) or 88(7) of the Criminal Procedure (Scotland) Act 1995,]
the court before which a person is cited to attend for jury service may excuse that person from that jury service.

Textual Amendments

- F1** Words in s. 1(1) repealed (22.9.2015) by Courts Reform (Scotland) Act 2014 (asp 18), **ss. 99(2)(a)(i)**, 138(2); S.S.I. 2015/247, art. 2, sch.
- F2** Words in s. 1(1) inserted (10.1.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 95(2)(a)**, 206(1); S.S.I. 2010/413, **art. 2(1)**, Sch.
- F3** S. 1(1)(b) substituted (22.9.2015) by Courts Reform (Scotland) Act 2014 (asp 18), **ss. 99(2)(a)(ii)**, 138(2); S.S.I. 2015/247, art. 2, sch.
- F4** Words in s. 1(1) repealed (10.1.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 94(2)(b)**, 206(1); S.S.I. 2010/413, **art. 2(1)**, Sch.
- F5** S. 1(1A) repealed (22.9.2015) by Courts Reform (Scotland) Act 2014 (asp 18), **ss. 99(2)(b)**, 138(2); S.S.I. 2015/247, art. 2, sch.
- F6** S. 1(1A) inserted (10.1.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 94(3)**, 206(1); S.S.I. 2010/413, **art. 2(1)**, Sch.
- F7** S. 1(2) repealed (22.9.2015) by Courts Reform (Scotland) Act 2014 (asp 18), **ss. 99(2)(b)**, 138(2); S.S.I. 2015/247, art. 2, sch.
- F8** S. 1(3) repealed (22.9.2015) by Courts Reform (Scotland) Act 2014 (asp 18), **ss. 99(2)(b)**, 138(2); S.S.I. 2015/247, art. 2, sch.
- F9** Words in s. 1(5) repealed (22.9.2015) by Courts Reform (Scotland) Act 2014 (asp 18), **ss. 99(2)(c)**, 138(2); S.S.I. 2015/247, art. 2, sch.
- F10** Words in s. 1(5) inserted (10.1.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 95(2)(d)**, 206(1); S.S.I. 2010/413, **art. 2(1)**, Sch.
- F11** S. 1(5A) inserted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 32(2)**
- F12** S. 1(6)(aa) inserted (10.1.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 95(2)(e)**, 206(1); S.S.I. 2010/413, **art. 2(1)**, Sch.
- F13** S. 1(6)(b) repealed by Court of Session Act 1988 (c. 36, SIF 36:1), s. 52(2), **Sch. 2 Pt. I**
- F14** S. 1(6)(c) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 32(3)**

Marginal Citations

M1 1825 c. 22.

[^{F15}1A [^{F16}Excusal of jurors as of right]

- (1) Subject to subsection (3), a person who is qualified under section 1(1) but is among the persons listed in Part III of Schedule 1 to this Act (being persons excusable as of right from jury service) is to be excused from jury service ^{F17}... on any occasion where the person—

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- (a) has been required to provide information under section 3(2) of the Jurors (Scotland) Act 1825 (c.22); and
 - (b) gives written notice to the sheriff principal that the person wishes to be excused, before the end of the period of 7 days beginning with the day on which the person receives the requirement.
- (2) Without prejudice to subsection (1), a person who is qualified under section 1(1) but is among the persons listed in Group C of Part III of Schedule 1 to this Act is to be excused from jury service ^{F18}... on any occasion where—
 - (a) the person has been required to provide information under section 3(2) of the Jurors (Scotland) Act 1825; and
 - (b) the person's commanding officer certifies to the sheriff principal that it would be prejudicial to the efficiency of the force of which the person is a member were the person required to be absent from duty.
- (3) Subsection (1) does not apply to a person who is qualified under section 1(1) but is among the persons listed in paragraph [^{F19}(ab)] of Group F of Part III of Schedule 1 to this Act (persons who have attained the age of 71), but instead such a person is to be excused from jury service ^{F20}... on any occasion where—
 - (a) in the case of a person who has been required to provide information under section 3(2) of the Jurors (Scotland) Act 1825, the person gives written notice to the sheriff principal that the person wishes to be excused; or
 - (b) in the case of a person who has been cited to attend for jury service, the person—
 - (i) gives written notice to the clerk of court issuing the citation that the person wishes to be excused, before the date on which the person is cited first to attend; or
 - (ii) attends in compliance with the citation and intimates to the court that the person wishes to be excused.]

Textual Amendments

- F15** S. 1A inserted (10.1.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 95(3), 206(1)**; [S.S.I. 2010/413](#), **art. 2(1)**, Sch.
- F16** S. 1A title substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), **ss. 99(3)(c)**, [138\(2\)](#); [S.S.I. 2015/247](#), **art. 2**, sch.
- F17** Words in s. 1A(1) repealed (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), **ss. 99(3)(a)**, [138\(2\)](#); [S.S.I. 2015/247](#), **art. 2**, sch.
- F18** Words in s. 1A(2) repealed (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), **ss. 99(3)(a)**, [138\(2\)](#); [S.S.I. 2015/247](#), **art. 2**, sch.
- F19** Word in s. 1A(3) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), **ss. 99(3)(b)**, [138\(2\)](#); [S.S.I. 2015/247](#), **art. 2**, sch.
- F20** Words in s. 1A(3) repealed (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), **ss. 99(3)(a)**, [138\(2\)](#); [S.S.I. 2015/247](#), **art. 2**, sch.

2 Fining of jurors for non-attendance.

- (1) Persons cited to attend for jury service in any civil proceedings may, unless they have been excused in respect thereof under section 1 of this Act, be fined up to £200 if they fail to attend in compliance with the citation.

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, Cross Heading: Juries. (See end of Document for details)

- (2) A fine imposed under subsection (1) above may, on application, be remitted—
- (a) by a Lord Ordinary where imposed in the Court of Session;
 - [^{F21}(aa) by the sheriff where imposed in the sheriff court;]
 - (b)^{F22}
- and no court fees or expenses shall be exigible in respect of any such application.
- (3) In section 99 of the Criminal Procedure (Scotland) Act 1975—
- (a) in subsection (1)—
 - (i) after the word “may” there shall be inserted the words “, unless they have been excused in respect thereof under section 1 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980. ”;
 - (ii) after the word “fined” there shall be inserted the words “ up to £200 ”; and
 - (iii) after the words “fail to attend” there shall be inserted the words “ in compliance with the citation ”; and
 - (b) for subsection (2) there shall be substituted the following subsection—

“(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

F21 S. 2(2)(aa) inserted (22.9.2015) by Courts Reform (Scotland) Act 2014 (asp 18), s. 138(2), **sch. 5 para. 19(2)**; S.S.I. 2015/247, art. 2, sch.

F22 S. 2(2)(b) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. I** Group 4

Modifications etc. (not altering text)

C1 The text of ss. 2(3), 4, 5, 7–10, 13–16, 17(4), 19, 21, 22(1)(a)(b)(d), 24, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

3 Offences in connection with jury service.

- (1) Subject to subsection (2) below, a person who—
- (a) having been [^{F23}required to provide information under section 3(2) of the Jurors (Scotland) Act 1825 or] cited to attend for jury service, falsely claims to be a person excusable as of rights from such service shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding [^{F24}level 3 on the standard scale];
 - (b) knowing that he is a person ineligible, or not qualified, for jury service, serves on a jury shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding [^{F24}level 3 on the standard scale]; or

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- (c) knowing that he is a person disqualified from jury service, serves on a jury shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding [^{F24}level 5 on the standard scale].
- (2) Subsection (1) above shall not apply to a person ineligible for jury service by reason of being among the persons listed in Group C of Part I of Schedule 1 to this Act.

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Textual Amendments

- F23** Words in s. 3(1)(a) inserted (10.1.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 95(4), 206(1); S.S.I. 2010/413, art. 2(1), Sch.
- F24** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Changes to legislation:

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