



Senior Courts Act 1981

1981 CHAPTER 54

PART III

PRACTICE AND PROCEDURE

THE HIGH COURT

Mode of conducting business

69 Trial by jury.

- (1) Where, on the application of any party to an action to be tried in the Queen's Bench Division, the court is satisfied that there is in issue—
 - (a) a charge of fraud against that party; or
 - (b) a claim in respect of^{F1} ... malicious prosecution or false imprisonment; or
 - (c) any question or issue of a kind prescribed for the purposes of this paragraph,the action shall be tried with a jury, unless the court is of opinion that the trial requires any prolonged examination of documents or accounts or any scientific or local investigation which cannot conveniently be made with a jury [^{F2} or unless the court is of opinion that the trial will involve section 6 proceedings] .
 - (2) An application under subsection (1) must be made not later than such time before the trial as may be prescribed.
 - (3) An action to be tried in the Queen's Bench Division which does not by virtue of subsection (1) fall to be tried with a jury shall be tried without a jury unless the court in its discretion orders it to be tried with a jury.
- [^{F3}(3A) An action in the Queen's Bench Division which by virtue of subsection (1) or (3) is being, or is to be, tried with a jury may, at any stage in the proceedings, be tried without a jury if the court concerned—
- (a) is of opinion that the action involves, or will involve, section 6 proceedings,
- and

Changes to legislation: Senior Courts Act 1981, Section 69 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) in its discretion orders the action to be tried without a jury.
- (3B) Where the court makes an order under subsection (3A)(b), it may make such other orders as it considers appropriate (including an order dismissing the jury).]
- (4) Nothing in subsections (1) to [F4 (3B)] shall affect the power of the court to order, in accordance with rules of court, that different questions of fact arising in any action be tried by different modes of trial; and where any such order is made, subsection (1) shall have effect only as respects questions relating to any such charge, claim, question or issue as is mentioned in that subsection.
- (5) Where for the purpose of disposing of any action or other matter which is being tried in the High Court by a judge with a jury it is necessary to ascertain the law of any other country which is applicable to the facts of the case, any question as to the effect of the evidence given with respect to that law shall, instead of being submitted to the jury, be decided by the judge alone.
- [F5(6) In this section “section 6 proceedings” has the meaning given by section 14(1) of the Justice and Security Act 2013 (certain civil proceedings in which closed material applications may be made).]

Textual Amendments

- F1** Words in s. 69(1)(b) omitted (1.1.2014) by virtue of Defamation Act 2013 (c. 26), ss. 11(1), 17(4) (with s. 16(7)); S.I. 2013/3027, art. 2
- F2** Words in s. 69(1) inserted (25.6.2013) by Justice and Security Act 2013 (c. 18), s. 20(1), Sch. 2 para. 8(2) (with Sch. 3 para. 2); S.I. 2013/1482, art. 2 (with arts. 3, 4)
- F3** S. 69(3A)(3B) inserted (25.6.2013) by Justice and Security Act 2013 (c. 18), s. 20(1), Sch. 2 para. 8(3) (with Sch. 3 para. 2); S.I. 2013/1482, art. 2 (with arts. 3, 4)
- F4** Word in s. 69(4) substituted (25.6.2013) by Justice and Security Act 2013 (c. 18), s. 20(1), Sch. 2 para. 8(4) (with Sch. 3 para. 2); S.I. 2013/1482, art. 2 (with arts. 3, 4)
- F5** S. 69(6) inserted (25.6.2013) by Justice and Security Act 2013 (c. 18), s. 20(1), Sch. 2 para. 8(5) (with Sch. 3 para. 2); S.I. 2013/1482, art. 2 (with arts. 3, 4)

Changes to legislation:

Senior Courts Act 1981, Section 69 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)