

## PART 26

### JURORS

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#### Appeal against officer's refusal to excuse or postpone jury service

**26.1.**—(1) This rule applies where a person summoned for jury service in the Crown Court, the High Court or the county court wants to appeal against a refusal by an officer on the Lord Chancellor's behalf—

- (a) to excuse that person from such service; or
- (b) to postpone the date on which that person is required to attend for such service.
- (2) The appellant must appeal to the court to which the appellant has been summoned.
- (3) The appellant must—
  - (a) apply in writing, as soon as reasonably practicable; and
  - (b) serve the application on the court officer.
- (4) The application must—
  - (a) attach a copy of—
    - (i) the jury summons, and
    - (ii) the refusal to excuse or postpone which is under appeal; and
  - (b) explain why the court should excuse the appellant from jury service, or postpone its date, as appropriate.
- (5) The court to which the appeal is made—
  - (a) may extend the time for appealing, and may allow the appeal to be made orally;
  - (b) may determine the appeal at a hearing in public or in private, or without a hearing;
  - (c) may adjourn any hearing of the appeal;
  - (d) must not determine an appeal unless the appellant has had a reasonable opportunity to make representations in person.

*[Note. See sections 9 and 9A of the Juries Act 1974(a).]*

*Where a person summoned for jury service—*

- (a) fails to attend as required; or*
- (b) after attending as required, when selected under rule 25.6—*
  - (i) is not available, or*
  - (ii) is unfit for jury service by reason of drink or drugs*

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(a) 1974 c. 23; section 9 was amended by paragraphs 1, 3, 4, 5 and 6 of Schedule 33, and Part 10 of Schedule 37, to the Criminal Justice Act 2003 (c. 44) and paragraph 172 of Schedule 8 to the Courts Act 2003 (c. 39). Section 9A was inserted by section 120 of the Criminal Justice Act 1988 (c. 33) and amended by paragraphs 1, 7, 8, 9, 10 and 11 of Schedule 33 to the Criminal Justice Act 2003 (c. 44) and paragraph 172 of Schedule 8 to the Courts Act 2003 (c. 39).

*that conduct may be punished as if it were a contempt of court. See section 20 of the Juries Act 1974 and rules 48.5 to 48.8 (contempt of court). The maximum penalty which the court can impose is a fine of £1,000.]*

### **Excusal from jury service by court**

**26.2.** At any time before a juror completes the oath or affirmation, the court may exercise its power to excuse him or her from jury service for lack of capacity to act effectively as a juror because of an insufficient understanding of English—

- (a) on the court's own initiative, or where the court officer refers the juror to the court; and
- (b) after enquiry of the juror.

*[Note. See section 10 of the Juries Act 1974(a).]*

### **Provision of information for jurors**

**26.3.** The court officer must arrange for each juror to receive—

- (a) by such means as the Lord Chancellor directs, general information about jury service and about a juror's responsibilities;
- (b) written notice of the prohibitions against—
  - (i) research by a juror into the case,
  - (ii) disclosure by a juror of any such research to another juror during the trial,
  - (iii) conduct by a juror which suggests that that juror intends to try the case otherwise than on the evidence,
  - (iv) disclosure by a juror of the deliberations of the jury;
- (c) written warning that breach of those prohibitions is an offence, for which the penalty is imprisonment or a fine or both, and may be a contempt of court.

*[Note. See sections 20A, 20B, 20C and 20D of the Juries Act 1974(b).]*

*The Practice Direction sets out a form of notice for use in connection with this rule.]*

### **Assessment of juror's availability for long trial, etc.**

**26.4.—**(1) The court may invite each member of a panel of jurors to provide such information, by such means and at such a time as the court directs, about—

- (a) that juror's availability to try a case expected to last for longer than the juror had expected to serve;
- (b) any association of that juror with, or any knowledge by that juror of—
  - (i) a party or witness, or
  - (ii) any other person, or any place, of significance to the case.

(2) Where jurors provide information under this rule, the court may postpone the selection of the jury to try a case to allow each juror an opportunity to review and amend that information before that selection.

(3) Using that information, the court may exercise its power to excuse a juror from selection as a member of the jury to try a case, but the court must not—

- (a) excuse a juror without allowing the parties an opportunity to make representations; or

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(a) 1974 c. 23; section 10 was amended by section 168 of, and Schedule 11 to, the Criminal Justice and Public Order Act 1994 (c. 33) and sections 65 and 109 of, and paragraph 4 of Schedule 4 and Schedule 10 to, the Courts Act 2003 (c. 39).

(b) 1974 c. 23; sections 20A, 20B, 20C and 20D were inserted by sections 71, 72, 73 and 74 respectively of the Criminal Justice and Courts Act 2015 (c. 2).

- (b) refuse to excuse a juror without allowing that juror such an opportunity.

**Surrender of electronic communication devices by jurors**

**26.5.**—(1) This rule applies where the court can order the members of a jury to surrender for a specified period any electronic communication devices that they possess.

(2) The court may make such an order—

- (a) on application; or
- (b) on its own initiative.

(3) A party who wants the court to make such an order must—

- (a) apply as soon as reasonably practicable;
- (b) notify each other party;
- (c) specify for what period any device should be surrendered; and
- (d) explain why—
  - (i) the proposed order is necessary or expedient in the interest of justice, and
  - (ii) the terms of the proposed order are a proportionate means of safeguarding those interests.

*[Note. See section 15A of the Juries Act 1974(a).]*

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(a) 1974 c. 23; section 15A was inserted by section 69 of the Criminal Justice and Courts Act 2015 (c. 2).