



Administration of Justice (Scotland) Act 1933

1933 CHAPTER 41

PART II

CRIMINAL JURY TRIALS, &C

19 Provision for death or illness of jurors in trials on indictment

Where in the course of the trial on any indictment any juror chosen to serve on such trial dies, or the court is satisfied that any juror so chosen is, through illness or for any other reason, unfit to continue to serve on the trial, the court may, on application made by or on behalf of the Lord Advocate or an accused, in its discretion, direct that the trial shall proceed before the remaining jurors (if they shall be not less than twelve in number), and where any such direction is given the remaining jurors shall be deemed in all respects to be a properly constituted jury for the purpose of the trial and shall have power to return a verdict accordingly whether unanimous or by majority, provided always that they shall not be entitled to return a verdict of guilty by majority unless eight of their number are in favour of such verdict and if, in any such case, the remaining jurors shall inform the Court that less than eight of their number are in favour of a verdict of guilty, and that there is not a majority in favour of any other verdict, they shall be deemed to have returned a verdict of not guilty.

20 Admissions by parties in trials on indictment

- (1) In any trial on indictment it shall not be necessary for the prosecutor or the accused to prove any documents which are admitted by the other party, and copies of any documents may, where the parties so agree, be accepted as equivalent to the originals, provided that no such admission or agreement by the accused shall be accepted, except in a case in which he has legal assistance in his defence.
- (2) For the purposes of the foregoing subsection any admission or agreement may be made by lodging with the clerk of court a minute signed by the person making the admission or agreement, or, in the case of the accused, by his counsel or solicitor, and

the documents so admitted shall be deemed to have been duly proved, and copies of any documents so agreed to be accepted as equivalent to the originals shall be accepted as if they were the originals.

21 Intimation of proceedings in High Court of Justiciary to Lord Advocate

In any proceeding in the High Court of Justiciary (other than a proceeding to which the Lord Advocate or a procurator fiscal is a party) it shall be competent for the said Court to order intimation of such proceeding to the Lord Advocate, and on such intimation being made, the Lord Advocate shall be entitled to appear and be heard in such proceeding.

22 Commencement of this Part of this Act

This Part of this Act shall come into operation on the passing thereof.