



# Juries Act 1974

## 1974 CHAPTER 23

### 16 Continuation of criminal trial on death or discharge of juror.

- (1) Where in the course of a trial of any person for an offence on indictment any member of the jury dies or is discharged by the court whether as being through illness incapable of continuing to act or for any other reason, but the number of its members is not reduced below nine, the jury shall nevertheless (subject to subsections (2) and (3) below) be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a verdict may be given accordingly.
- (2) On a trial . . . <sup>F1</sup>for any offence punishable with death subsection (1) above shall not apply on the death or discharge of any member of the jury unless assent to its then applying is given in writing by or on behalf of both the prosecution and the accused or each of the accused.
- (3) Notwithstanding subsection (1) above, on the death or discharge of a member of the jury in the course of a trial of any person for an offence on indictment the court may discharge the jury in any case where the court sees fit to do so.

#### Textual Amendments

- F1** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 121, 123(6), 170(2), Sch. 8 para. 16, [Sch. 16](#)

**Status:**

Point in time view as at 06/05/1999. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Juries Act 1974, Section 16.