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## SCHEDULES

### SCHEDULE 1

Section 1.

#### INELIGIBILITY FOR AND DISQUALIFICATION AND EXCUSAL FROM JURY SERVICE

#### PART I

#### PERSONS INELIGIBLE

#### GROUP A

##### *The Judiciary*

- (a) Lords of Appeal;
- (b) Senators of the College of Justice;
- (c) sheriffs;
- (d) Justices of the Peace;
- (e) stipendiary magistrates;
- (f) the chairman or president, the vice-chairman or vice-president and the registrar or assistant registrar of any tribunal; and
- (g) persons who, at any time within the 10 years immediately preceding the date at which their eligibility, in terms of section 1 of this Act, for jury service is being considered, have come within any description listed above in this Group.

#### GROUP B

##### *Others concerned with the administration of justice*

- (a) Advocates and solicitors, whether or not in actual practice as such;
- (b) advocates' clerks;
- (c) apprentices of, and legal trainees employed by, solicitors;
- (d) officers and staff of any court if their work is wholly or mainly concerned with the day-to-day administration of the court;
- (e) persons employed as shorthand writers in any court;
- (f) Clerks of the Peace and their deputies;
- (g) Inspectors of Constabulary appointed by Her Majesty;
- (h) assistant inspectors of constabulary appointed by the Secretary of State;
- (i) constables of any police force (including constables engaged on central service within the meaning of section 38 of the Police (Scotland) Act <sup>M1</sup>1967);
- (j) constables of any constabulary maintained under statute;
- (k) persons employed in any capacity by virtue of which they have the powers and privileges of police constables;

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- (l) special constables;
- (m) police cadets;
- (n) persons employed under section 9 of the said Act of 1967 for the assistance of the constables of a police force;
- (na) <sup>F1</sup>members of the National Criminal Intelligence Service;
- (nb) members of the Service Authority for the National Criminal Intelligence Service and persons employed by that Authority under section 13 of the Police Act 1997;]
- (o) officers of, and members of visiting committees for, prisons, remand centres, detention centres, borstal institutions and young offenders institutions;
- (oo) <sup>F2</sup>prisoner custody officers within the meaning of section 114(1) of the Criminal Justice and Public Order Act 1994;]
- (p) procurators fiscal within the meaning of <sup>F3</sup>section 307(1) of the Criminal Procedure (Scotland) Act 1995], and persons employed as clerks and assistants to such procurators fiscal;
- (q) messengers at arms and sheriff officers;
- (r) members of children’s panels;
- (s) reporters appointed under section 36 of the Social Work (Scotland) Act <sup>M2</sup>1968 and their staffs;
- (t) directors of social work appointed under section 3 of the said Act of 1968 and persons employed to assist such directors in the performance of such of their functions as relate to probation schemes within the meaning of section 27 of that Act;
- (u) members of the Parole Board for Scotland;
- (v) <sup>F4</sup> .....
- (w) persons who, at any time within the 5 years immediately preceding the date at which the eligibility, in terms of section 1 of this Act, for jury service is being considered, have come within any description listed above in this Group.
- (wa) <sup>F5</sup>members and employees of the Scottish Criminal Cases Review Commission;]

#### Textual Amendments

- F1** Sch. 1 Pt. I Group B paras. (na)(nb) inserted (23.7.1999 for specified purposes and otherwise 1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 41**; S.I. 1997/1377, **art. 4(2)(p)**; S.I. 1998/354, **art. 2(ay)(bb)**
- F2** Sch. 1 Pt.I Group B para. (oo) inserted (3.2.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 45**; S.I. 1995/127, **art. 2(1)** Appendix B
- F3** Words in Sch. 1 Pt. I Group B para. (p) substituted (1.4.1996) by 1995 c. 40 ss.5, 7(2), Sch. 4 para. 45(a)
- F4** Sch. 1 Pt. I Group B para. (v) repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt. I**; S.I. 1993/2050, **art. 3(4)**.
- F5** Sch. 1 Pt. I Group B para. (wa) inserted (1.1.1998) by 1997 c. 48, s. 62(1), **Sch. 1 para. 7**; S.I. 1997/3004, **art. 2, Sch.**

#### Marginal Citations

- M1** 1967 c. 77.  
**M2** 1968 c. 49.

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## GROUP C

### *The mentally disordered*

(Expressions used in this Group are to be construed in accordance with the [<sup>F6</sup>Mental Health (Care and Treatment) (Scotland) Act 2003].)

- (a) Persons who are receiving medical treatment for mental disorder and either—
- (i) are, for the purposes of that treatment, [<sup>F7</sup>detained in hospital under the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) or the Criminal Procedure (Scotland) Act 1995 (c. 46)]; or
  - (ii) <sup>F8</sup> .....
- [<sup>F9</sup>(b) persons for the time being subject to guardianship under the Adults with Incapacity (Scotland) Act 2000 (asp 4).]

#### Textual Amendments

- F6** Words in Sch. 1 Pt. 1 Group C substituted (27.9.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), arts. 1, 2, **Sch. 1 para. 10(2)(a)**
- F7** Words in Sch. 1 Pt. 1 Group C para. (a)(i) substituted (27.9.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), arts. 1, 2, **Sch. 1 para. 10(2)(b)**
- F8** Sch. 1 Pt. 1 Group C para. (a)(ii) repealed (27.9.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), arts. 1, 3, **Sch. 2**
- F9** Sch. 1 Pt. 1 Group C para. (b) substituted (1.4.2002) for paras. (b)(c) by [2000 asp 4, s. 88\(2\)](#), **Sch. 5 para. 16**; [S.I. 2001/81, art. 3](#), **Sch. 2**

#### Textual Amendments

- F6** Words in Sch. 1 Pt. 1 Group C substituted (27.9.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), arts. 1, 2, **Sch. 1 para. 10(2)(a)**
- F7** Words in Sch. 1 Pt. 1 Group C para. (a)(i) substituted (27.9.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), arts. 1, 2, **Sch. 1 para. 10(2)(b)**
- F8** Sch. 1 Pt. 1 Group C para. (a)(ii) repealed (27.9.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), arts. 1, 3, **Sch. 2**
- F9** Sch. 1 Pt. 1 Group C para. (b) substituted (1.4.2002) for paras. (b)(c) by [2000 asp 4, s. 88\(2\)](#), **Sch. 5 para. 16**; [S.I. 2001/81, art. 3](#), **Sch. 2**

## PART II

### PERSONS DISQUALIFIED

- (a) Persons who have at any time been sentenced in the United Kingdom, the Channel Islands or the Isle of Man—
- (i) to imprisonment for life or for a term of 5 years or more; or
  - (ii) to be detained during Her Majesty's pleasure, during the pleasure of the Secretary of State or during the pleasure of the Governor of Northern Ireland;

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- (b) persons who have at any time in the United Kingdom, the Channel Islands or the Isle of Man—
- (i) served any part of a sentence of imprisonment [<sup>F10</sup>detention or youth custody], being a sentence for a term of 3 months or more; or
  - (ii) been detained in a borstal institution,
- and who are not rehabilitated persons for the purposes of the Rehabilitation of Offenders Act <sup>M3</sup>1974.
- (bb) [<sup>F11</sup>persons who have been convicted of an offence if, in respect of the conviction, one or more of the following orders was made—
- (i) a probation order under section 228(1) of the Criminal Procedure (Scotland) Act 1995 (c. 46) (section 247 of that Act being disregarded for the purposes of this head);
  - (ii) a drug treatment and testing order under section 234B(2) of that Act;
  - (iii) a community service order under section 238(1) of that Act;
  - (iv) a restriction of liberty order under section 245A(1) of that Act;
  - (v) [<sup>F12</sup>a community order within the meaning of section 177 of the Criminal Justice Act 2003;
  - (va) a youth community order as defined by section 33 of the Powers of Criminal Courts (Sentencing) Act 2000;]
  - (vi) a community order as defined by article 2(2) of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (N.I.24));
  - (vii) a drug treatment and testing order under article 8(2) of the Criminal Justice (Northern Ireland) Order 1998 (SI 1998/2839 (N.I.20)),
- except where they are rehabilitated persons for the purposes of the Rehabilitation of Offenders Act 1974 (c. 53);]
- (c) [<sup>F13</sup>in respect of jury service in any criminal proceedings, persons who are on bail in or in connection with criminal proceedings in any part of the United Kingdom.]

#### Textual Amendments

- F10** Words substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 124, Sch. 8 para. 16, [Sch. 9 para. 4](#)
- F11** Sch. 1 Pt. 2 para. (bb) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), [ss. 78\(1\), 89\(2\)](#) (with [s. 78\(2\)\(3\)](#)): [S.S.I. 2003/288](#), [art. 2](#), Sch.
- F12** Sch. 1 Pt. 2 para. (bb)(v)(va) substituted for para. (bb)(v) (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 336(3), [Sch. 32 para. 31](#); [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 42(15) (with Sch. 2 (as explained by [S.I. 2005/2122](#) and amended by [S.I. 2007/391](#), 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2, [S.I. 2009/616](#), and [S.I. 2009/3111](#)))
- F13** Sch. 1 Pt. 2 para. (c) inserted (1.4.1996) by [1996 c. 40](#), ss. 5, 7(2), [Sch. 4 para. 32\(4\)\(b\)](#)

#### Marginal Citations

- M3** 1974 c. 53.

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### PART III

#### PERSONS EXCUSABLE AS OF RIGHT

##### GROUP A

###### *Parliament*

- (a) Peers and peeresses entitled to receive writs of summons to attend the House of Lords;
- (b) members of the House of Commons;
- (c) officers of the House of Lords; and
- (d) officers of the House of Commons.

##### [<sup>F14</sup>GROUP AB

###### Textual Amendments

**F14** Sch. 1 Pt. III Group AB inserted (6.5.1999) by 1998 c. 46, s. 85(2) (with s. 126(3)-(11)); S.I. 1998/3178, art. 2(2), Sch. 3

###### <sup>F15</sup> *Scottish Parliament and Scottish Executive*

###### Textual Amendments

**F15** Sch. 1 Pt. III Group AB inserted (6.5.1999) by 1998 c. 46, s. 85(2) (with s. 126(3)-(11)); S.I. 1998/3178, art. 2(2), Sch. 3

- (a) members of the Scottish Parliament;
- (b) members of the Scottish Executive; and
- (c) junior Scottish Ministers.]

##### GROUP B

###### [<sup>F16</sup>European Parliament]

###### Textual Amendments

**F16** Reference substituted retrospectively by virtue of European Communities (Amendment) Act 1986 (c. 58, SIF 29:5), s. 3(1)(a)(3)

Representatives to the [<sup>F16</sup>European Parliament].

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## [<sup>F17</sup>GROUP BA

### Textual Amendments

**F17** Sch. 1 Pt. III Group BA inserted (1.4.1999) by 1998 c. 38, ss. 125, 152, **Sch. 12 para. 20** (with s. 143(2)); S.I. 1999/782, **art. 2**

## <sup>F18</sup>*National Assembly for Wales*

### Textual Amendments

**F18** Sch. 1 Pt. III Group BA inserted (1.4.1999) by 1998 c. 38, ss. 125, 152 Sch. 12 para. 20 (with s. 143(2)); S.I. 1999/782, **art. 2**

Members of the National Assembly for Wales.]

## [<sup>F19</sup>GROUP BB

### *PUBLIC OFFICIALS*

### Textual Amendments

**F19** Sch. 1 Pt. III Group BB inserted (6.5.1999) by S.I. 1999/1042, **art. 3 Sch. 1 Pt. I para. 9**

<sup>F20</sup>The Auditor General for Scotland.]

### Textual Amendments

**F20** Sch. 1 Pt. III Group BB inserted (6.5.1999) by S.I. 1999/1042, **art. 3, Sch. 1 Pt. I para. 9**

### Textual Amendments

**F20** Sch. 1 Pt. III Group BB inserted (6.5.1999) by S.I. 1999/1042, **art. 3, Sch. 1 Pt. I para. 9**

## GROUP C

### *The Forces*

Full-time serving members of—

- (a) any of Her Majesty's naval, military or air forces;
- (b) the Women's Royal Naval Service;
- (c) Queen Alexandra's Royal Naval Nursing Service; or
- (d) any Voluntary Aid Detachment serving with the Royal Navy.

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## GROUP D

### *Medical and similar professions*

The following, if actually practising their profession and registered (whether fully or otherwise), enrolled or certified under the enactments relating to that profession—

- (a) medical practitioners;
- (b) dentists;
- (c) nurses;
- (d) midwives;
- (e) pharmaceutical chemists; and
- (f) veterinary surgeons and veterinary practitioners.

### [<sup>F21</sup>GROUP DD]

#### Textual Amendments

**F21** Sch. 1 Pt. III Group DD inserted (1.4.1996) by 1996 c. 40, ss. 5, 7(2) Sch. 4 para. 32(4)(c)

### [<sup>F22</sup>Members of certain religious bodies

#### Textual Amendments

**F22** Sch. 1 Pt. III Group DD inserted (1.4.1996) by 1996 c. 40, ss. 5, 7(2), Sch. 4 para. 32(4)(c)

In respect of jury service in any criminal proceedings, practising members of religious societies or orders the tenets or beliefs of which are incompatible with jury service.]

## GROUP E

### *Ministers of religion etc.*

- (a) persons in holy orders;
- (b) regular ministers of any religious denomination; and
- (c) vowed members of any religious order living in a monastery, convent or other religious community.

## GROUP F

### *Others*

- (a) Persons whose obedience to the citation for jury service would result in their serving, or duly attending for service, more than once in any period of five years; and
- (b) persons excused by the direction of any court from jury service during a period which has not terminated.

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## SCHEDULE 2

Section 28(1).

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### 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.

#### *The Juries (Scotland) Act 1826 (c. 8)*

- 1 In section 4 (names of jurors may be passed over, in making returns of jurors for the purposes of civil trials, where they have died or are no longer qualified), for the words “become disqualified as a juror, whether from loss of property, absence, or other legal cause” there shall be substituted the words “cease to be qualified to serve as a juror”.

#### *The Executors (Scotland) Act 1900 (c. 55)*

- 2 In section 3 (persons who may be confirmed executors nominate), after the words “Supreme Court” there shall be inserted the words “or the sheriff court”.

#### *The Juries Act 1949 (c. 27)*

- 3 For section 24(1) (payments in respect of jury service) there shall be substituted the following subsection—

“(1) Subject to the provisions of this Part of this Act, a person who serves as a juror shall be entitled, in respect of his attendance at court for the purpose of performing jury service, to receive payment, at rates determined by the Secretary of State with the consent of the Minister for the Civil Service and subject to any prescribed conditions, by way of allowance—

- (a) for travelling and subsistence; and
- (b) for financial loss, where in consequence of his attendance for that purpose he has incurred any expenditure (other than on travelling and subsistence) to which he would not otherwise be subject or he has suffered any loss of earnings, or of benefit under the enactments relating to social security, which he would otherwise have made or received.”.

- 4 In section 25(2) (sums for payments to jurors), for the words “to (c)” there shall be substituted the words “and (b)”.

#### *The Betting, Gaming and Lotteries Act 1963 (c. 2)*

- 5 In paragraph 2 (interpretation), of Schedule 1, in the definition of “appropriate authority”, for the word “court”, in both places where it occurs, there shall be substituted the word “board”.



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*The Criminal Procedure (Scotland) Act 1975 (c. 21)*

- 6 In section 91 (names of jurors may be passed over, in making returns of jurors for the purposes of criminal trials, where they have died or are no longer qualified), for the words “becomes disqualified as a juror, whether from loss of property, absence, or other legal cause” there shall be substituted the words “ceases to be qualified to serve as a juror”.
- 7 In section 130(5) (objection to juror on grounds of lack of qualification), for the words “1 of the Jurors (Scotland) Act 1825” there shall be substituted the words “1(1) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980”.

*The Lotteries and Amusements Act 1976 (c. 32)*

- 8 In paragraph 1 (interpretation), of Schedule 3—
- (a) for sub-paragraph (1)(c) there shall be substituted the following sub-paragraph—
- “(c) in relation to any premises in Scotland in respect of which a hotel licence or a public house licence is for the time being in force, the licensing board for the licensing area in which the premises are situated;” and
- (b) in sub-paragraph (2), for the words from “hotel” to “1959” there shall be substituted the words—
- ““hotel licence”, “licensing area”, “licensing board” and “public house licence” have the same meanings as in the Licensing (Scotland) Act 1976;”.

*The Licensing (Scotland) Act 1976 (c. 66)*

- 9 In section 94(2) (forfeiture of licence in certain cases, for the words “89 or 90” there shall be substituted the words “90 or 91”.
- 10 In section 107(1)(a) (election of governing body of club), for the word “governing” where it occurs for the second time, there shall be substituted the word “general”.
- 11 In section 140(2) (transitional provisions), after the words “57” there shall be inserted the words “, 59”.

SCHEDULE 3

F23

. . .

**Textual Amendments**

**F23** Ss. 11(2), 28(2), Sch. 3 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. 1** Gp. 3

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