



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VII

SOLEMN PROCEEDINGS

Trial

99 Seclusion of jury to consider verdict.

- (1) When the jury retire to consider their verdict, the clerk of court shall enclose the jury in a room by themselves and, except in so far as provided for, or is made necessary, by an instruction under subsection (4) below, neither he nor any other person shall be present with the jury [^{F1}while] they are enclosed.
- (2) Except in so far as is provided for, or is made necessary, by an instruction under subsection (4) below, [^{F2}while the jury are enclosed and until they] intimate that they are ready to return their verdict—
 - (a) subject to subsection (3) below, no person shall visit the jury or communicate with them; and
 - (b) no juror shall come out of the jury room other than to receive or seek a direction from the judge or to make a request—
 - (i) for an instruction under subsection (4)(a), (c) or (d) below; or
 - (ii) regarding any matter in the cause.
- (3) Nothing in paragraph (a) of subsection (2) above shall prohibit the judge, or any person authorised by him for the purpose, communicating with the jury for the purposes—
 - (a) of giving a direction, whether or not sought under paragraph (b) of that subsection; or
 - (b) responding to a request made under that paragraph.
- (4) The judge may give such instructions as he considers appropriate as regards—
 - (a) the provision of meals and refreshments for the jury;

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- (b) the making of arrangements for overnight accommodation for the jury and [^{F3}, unless under subsection (7) below the court permits them to separate,] for their continued seclusion if such accommodation is provided;
 - (c) the communication of a personal or business message, unconnected with any matter in the cause, from a juror to another person (or vice versa); or
 - (d) the provision of medical treatment, or other assistance, immediately required by a juror.
- (5) If the prosecutor or any other person contravenes the provisions of this section, the accused shall be acquitted of the crime with which he is charged.
- (6) During the period in which the jury are retired to consider their verdict, the judge may sit in any other proceedings; and the trial shall not fail by reason only of his so doing.
- [^{F4}(7) The court may, if it thinks fit, permit the jury to separate even after they have retired to consider their verdict.]

Textual Amendments

- F1** Word in s. 99(1) substituted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 79(a)**, 89; [S.S.I. 2003/288](#), **art. 2**, Sch.
- F2** Words in s. 99(2) substituted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 79(b)**, 89; [S.S.I. 2003/288](#), **art. 2**, Sch.
- F3** Words in s. 99(4)(b) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 79(c)**, 89; [S.S.I. 2003/288](#), **art. 2**, Sch.
- F4** S. 99(7) added (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 79(d)**, 89; [S.S.I. 2003/288](#), **art. 2**, Sch.

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