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STATUTORY INSTRUMENTS

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**2014 No. 1610**

**The Criminal Procedure Rules 2014**

**PART 39**

**JURORS**

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

**39.1.**—(1) This rule applies where a person summoned for jury service in the Crown Court, the High Court or a 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(1).

Where a person summoned for jury service—

- (a) fails to attend as required; or
- (b) after attending as required, when selected under rule 38.6—
  - (i) is not available, or
  - (ii) is unfit for jury service by reason of drink or drugs

that conduct may be punished as if it were a contempt of court. See section 20 of the Juries Act 1974 and rules 62.5 to 62.8 (contempt of court). The maximum penalty which the court can impose is a fine of £1,000.]

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

**39.2.** 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(2).]

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

**39.3.** 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) discussion of a case with someone who is not a member of the jury, and
  - (ii) enquiry into the circumstances of a case, or into the parties, beyond what is described in evidence; and
- (c) written warning that—
  - (i) breach of those prohibitions is a contempt of court, and
  - (ii) the court can impose imprisonment, or a fine, or both, for contempt of court.

[Note. 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.**

**39.4.—(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—

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(1) 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).

(2) 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).

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