SCOTTISH STATUTORY INSTRUMENTS

2020 No. 200

HIGH COURT OF JUSTICIARY

SHERIFF COURT

Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Jury Ballot) 2020

Made - - - -	*2nd July 2020*
Laid before the Scottish Parliament	*3rd July 2020*
Coming into force - -	*19th July 2020*

The High Court of Justiciary makes this Act of Adjournal under the powers conferred on it by section 305 of the Criminal Procedure (Scotland) Act 1995(**a**) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Jury Ballot) 2020.

(2) It comes into force on 19th July 2020.

(3) A certified copy is to be inserted in the Books of Adjournal.

Amendment of the Criminal Procedure Rules 1996

2.—(1) The Criminal Procedure Rules 1996(**b**) are amended in accordance with this paragraph.

(2) In Chapter 14 (procedure at trial in solemn proceedings)(**c**)—

(a) in rule 14.1A(1) (minimum number of jurors for balloting jury)(**d**) for "present, whether in the courtroom in which the trial is to proceed or assembled elsewhere within the court building" substitute "available for balloting";

(b) for rule 14.2(2) (balloting of jurors) substitute—

"(2) After 15 such names have been drawn ("the first list"), the clerk of court must draw a further 5 names ("the reserve list") and where any person on the first list—

(a) does not appear;

(b) is challenged and is set aside; or

(**a**) 1995 c.46. Section 305 was amended by section 111(1) of the Criminal Justice (Scotland) Act 2016 (asp 1) and by S.S.I. 2015/338, and was extended by section 386(3)(a) of the Proceeds of Crime Act 2002 (c.29), section 36A(4) of the Serious Crime Act 2007 (c.27), and section 32(5) of the Psychoactive Substances Act 2016 (c.2).

(**b**) The Criminal Procedure Rules 1996 are in schedule 2 of the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513), last amended by S.S.I. 2020/27.

(**c**) Chapter 14 was last amended by S.S.I. 2019/321.

(**d**) Rule 14.1A was inserted by S.S.I. 2010/184 and amended by S.S.I. 2019/321.

(c) before any evidence is led, is excused,

the persons on the reserve list will, in the order in which their names were drawn, replace on the first list each such absent, challenged or excused juror until the number required for the trial is attained.

(3) Paragraph (4) applies where the court considers that a reserve list of 5 jurors may be insufficient to ensure the number required for the trial will be attained.

(4) The court may, of its own accord or on the application of a party, after hearing parties, direct that the reserve list be increased to a maximum of 10 jurors.".

CJM SUTHERLAND
Lord President
I.P.D.

Edinburgh
2nd July 2020

EXPLANATORY NOTE

(This note is not part of the Act of Adjournal)

This Act of Adjournal amends Chapter 14 (procedure at trial in solemn proceedings) of the Criminal Procedure Rules 1996.

Paragraph 2(2)(a) amends rule 14.1A(1) (minimum number of jurors for balloting jury) to provide that it is competent for balloting of the jury to commence if there are at least 30 jurors available for balloting. This has the effect of permitting balloting to commence whether or not those jurors are physically present in the court building.

Paragraph 2(2)(b) amends rule 14.2 (balloting of jurors) to permit the creation of a reserve list of 5 substitute jurors to replace, if required, any of the first 15 jurors selected who are unable to serve. It also permits the court to increase the reserve list from 5 to a maximum of 10 substitute jurors.

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