Criminal Justice Act 1965

1965 CHAPTER 26

An Act to make as regards England and Wales further provision for the continuation of criminal trials notwithstanding the death or discharge of a juror.

[5th August 1965]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Continuation of criminal trial on death or discharge of juror.

1.—(1) Where in the course of a criminal trial 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 for murder or for any offence punishable with death subsection (1) 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 criminal trial the court may discharge the jury in any case where the court sees fit to do so.

Short title, commencement, extent and repeal.

2.—(1) This Act may be cited as the Criminal Justice Act 1965.

(2) This Act shall come into force at the expiration of one month beginning with the day on which it is passed.

(3) This Act shall extend only to England and Wales.

(4) Section 15 of the Criminal Justice Act 1925 (which allows a criminal trial to proceed with a jury reduced by the death or discharge of a juror to not less than ten jurors, subject in all cases to the assent of the prosecutor and the accused) is hereby repealed. 1925 c. 86.