CHAPTER 27

Juries Act, 1949

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SCHEDULES:
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An Act to provide for the making of payments in respect of jury service in Great Britain; to abolish special juries in Great Britain except in commercial causes tried in London; to abolish the privilege of landed persons in relation to jury trial in Scotland; to empower the Parliament of Northern Ireland to make laws providing for the payment of jurors in His Majesty's High Court of Justice in Northern Ireland and the abolition of special juries in that Court; and for purposes connected with the matters aforesaid.

[26th April 1949.]

BE it enacted by the King'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:—

PART I

ENGLAND

Payments in respect of Jury Service

Payments in respect of jury service.

1.—(1) Subject to the provisions of this Part of this Act, persons who serve as jurors shall be entitled to be paid, in accordance with prescribed scales and subject to any prescribed conditions,—

(*a*) travelling and subsistence allowances; and

(*b*) compensation for loss of earnings which they would otherwise have made or additional expense (other than expense on account of travelling or subsistence) to which they would not otherwise have been subject,

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being loss or expense necessarily suffered or incurred for the purpose of enabling them to serve as jurors:

Provided that the amount which may be paid to a person by virtue of paragraph (*b*) of this subsection in respect of his services as a juror on any one day shall not exceed—

(i) where the period of time over which earnings are lost or additional expense is incurred is not more than four hours, the sum of ten shillings; or

(ii) where the said period of time is more than four hours, the sum of twenty shillings.

(2) For the purposes of this Part of this Act, a person who, in obedience to a summons to serve on a jury, attends for service as a juror, shall be deemed to serve as a juror notwithstanding that he is not subsequently sworn.

(3) A payment to which a person is entitled under this section is in this Part of this Act referred to as a " payment in respect of jury service ".

(4) In this section the expression " prescribed " means prescribed by regulations made by the Secretary of State with the consent of the Treasury.

The power conferred by this subsection on the Secretary of State shall be exercisable by statutory instrument.

Person by whom the amount of a payment is to be ascertained.

2. The amount due to a person by way of a payment in respect of jury service shall be ascertained by that one of the following persons who is appropriate to the case (in this Part of this Act referred to as " the appropriate officer "), that is to say,—

(*a*) in the case of service at the Royal Courts of Justice, such officer of the Supreme Court as the Lord Chancellor may nominate for the purposes of this paragraph;

(*b*) in the case of service at a court of assize (other than the Central Criminal Court or a court held by virtue of a special commission), the clerk of assize;

(*c*) in the case of service at the Central Criminal Court, the clerk of the court;

(*d*) in the case of service at a court held by virtue of a special commission of oyer and terminer and a special commission of gaol delivery or either of them, the clerk of the commission;

(*e*) in the case of service at a court held by virtue of a special commission for the trial of matrimonial causes, the registrar of the district wherein the court is held;

(*f*) in the case of service at a court held by virtue of a special commission (other than a commission of oyer and terminer and a commission of gaol delivery or either of them or a commission for the trial of matrimonial causes) or of a general commission (other than a commission of assize, a commission of oyer

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and terminer and a commission of gaol delivery or any of them), such person as the Lord Chancellor may nominate for the purposes of this paragraph;

(*g*) in the case of service at the Chancery Court of the County Palatine of Lancaster, the registrar of the district wherein the court sits;

(*h*) in the case of service at a court of quarter sessions, the clerk of the peace;

(*i*) in the case of service at a county court, the registrar of the court;

(*j*) in the case of service at the Mayor's and City of London Court, the registrar of the court;

(*k*) in the case of service at a court exercising local civil jurisdiction (other than any of the courts mentioned in the foregoing paragraphs), such officer of the court as the court may nominate for the purposes of this paragraph;

(*l*) in the case of service at a coroner's court, the coroner;

(*m*) in the case of any other service, the sheriff of the county, county of a city or county of a town from which the jury was summoned:

Provided that where, in a case falling within paragraph (*m*) of this subsection, the jury was summoned from a franchise in circumstances in which the bailiff thereof is charged with the duty of summoning jurors, that bailiff shall be the appropriate officer.

Mode of making payments.

3.—(1) A payment in respect of jury service at the Royal Courts of Justice shall be made by the accounting officer of the Supreme Court out of moneys provided by Parliament.

(2) When the amount due to a person by way of a payment in respect of such jury service as is mentioned in paragraph (*b*), (*c*), (*d*) or (*h*) of the last foregoing section has been ascertained, the appropriate officer shall make out in favour of that person an order upon the appropriate local treasurer (as hereinafter defined) for payment of that amount, and the appropriate local treasurer shall, upon sight of the order, pay that amount out of the appropriate local fund (as hereinafter defined) to that person or his duly authorised agent.

(3) A payment in respect of such jury service as is mentioned in paragraph (*e*) or (*i*) of the last foregoing section shall be made by the appropriate officer out of moneys provided by Parliament.

(4) A payment in respect of such jury service as is mentioned in paragraph (*f*) of the last foregoing section shall be made, in such manner as the Lord Chancellor may direct, out of moneys provided by Parliament.

(5) A payment in respect of such jury service as is mentioned in paragraph (*g*) of the last foregoing section shall be made by the appropriate officer out of the Fee Fund Account.

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(6) A payment in respect of such jury service as is mentioned in paragraph (*j*) or (*k*) of the last foregoing section shall be made by the appropriate officer at the expense of the authority responsible for defraying the cost of maintaining the court, and it shall be the duty of that authority to provide the appropriate officer with such money as is requisite to enable him to make any such payment.

(7) A payment in respect of such jury service as is mentioned in paragraph (*l*) or (*m*) of the last foregoing section shall be made by the appropriate officer.

Appropriate local treasurers and funds.

4. For the purposes of this Part of this Act, the appropriate local treasurer and the appropriate local fund shall, subject to the provisions of this Part of this Act, respectively be—

(*a*) in relation to a payment in respect of jury service at a court of assize held for a county or a division of a county, the treasurer of the administrative county by which the costs of the holding of that court are paid, and the county fund of that county;

(*b*) in relation to a payment in respect of jury service at a court of assize held for a borough (whether or not a county of a city or county of a town), the treasurer of the borough and the general rate fund of the borough;

(*c*) in relation to a payment in respect of jury service at the Central Criminal Court, the treasurer of the administrative county or the county borough wherein are situate the premises the address of which appears, in relation to the person to whom the payment is due, in the jurors book by reference to which he was summoned to serve, and the county fund of that county or the general rate fund of that borough, as the case may be;

(*d*) in relation to a payment in respect of jury service at a court of quarter sessions, the treasurer of the administrative county or the borough by which the costs of the holding of the court are paid and the county fund of that county or the general rate fund of that borough, as the case may be.

Reimbursement of local authorities of payments attributable to civil business at assizes.

5.—(1) So soon as may be after the conclusion of the business of a court of assize (other than the Central Criminal Court or a court held by virtue of a special commission) the clerk of assize shall send to the appropriate local treasurer a written notice specifying the amount determined by the said clerk to be the aggregate of such of the payments in respect of jury service at the court as are in his opinion attributable to the transaction thereat of business other than criminal business or, as the case may be, stating that no such payments are in his opinion so attributable.

(2) Where a notice sent to the appropriate local treasurer under the foregoing subsection specifies such an amount as is therein mentioned, that amount shall, upon production of the

PART I —*cont.*

notice, be paid to the treasurer by the accounting officer of the Supreme Court out of moneys provided by Parliament and shall, when received by the treasurer, be paid by him into the appropriate local fund.

Special provisions as respects assizes and quarter sessions for certain counties.

6.—(1) In relation to payments in respect of jury service at a court of assize held for the county of York or a division thereof or a court of assize held for the county of Lincoln or a division thereof—

(*a*) the appropriate local treasurer for the purpose of this Part of this Act shall, in the first-mentioned case, be the treasurer of the joint committee of the county councils of the three ridings of Yorkshire appointed in pursuance of section forty-six of the Local Government Act, 1888, for the transaction of the administrative business mentioned in that section, and, in the last-mentioned case, be the joint committee for the three divisions of Lincolnshire so appointed, and the foregoing provisions of this Act shall have effect with the omission of references to the appropriate local fund; and

(*b*) sums expended by the treasurer of either of those joint committees by way of the making of such payments, less sums which he is entitled to be reimbursed under the last foregoing section, shall, for the purposes of paragraph (3) of the said section forty-six (which relates to the apportionment of costs and sums payable by a joint committee appointed as aforesaid), be deemed to be sums payable by the joint committee, and so much of subsection (2) of the last foregoing section as relates to the disposal of sums received thereunder by the appropriate local treasurer shall not apply.

(2) In relation to payments in respect of jury service at a court of assize held for the county of Sussex or a division thereof,—

(*a*) the appropriate local treasurer and the appropriate local fund for the purposes of this Part of this Act shall respectively be the treasurer of the administrative county in which the court is held and the county fund of that administrative county; and

(*b*) sums expended by way of the making of such payments, less sums which the appropriate local treasurer is entitled to be reimbursed under the last foregoing section, shall be apportioned between the administrative counties of East and West Sussex in such proportion as may, in default of agreement between the the councils of those counties, be determined by an arbitrator appointed by the Secretary of State, and the proportion of any such sums apportioned to that one of those administrative counties whose treasurer is not the appropriate local treasurer shall be recoverable by the other as a simple contract debt.

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(3) The last foregoing subsection shall apply in relation to payments in respect of jury service at a court of assize held for the Isle of Ely and the residue of the county of Cambridge or a division of that county or for the Soke of Peterborough and the residue of the county of Northampton or a division of that county as it applies in relation to payments in respect of jury service at a court of assize held for the county of Sussex or a division thereof, with the substitution, in paragraph (*b*), for the reference to the administrative counties of East and West Sussex, of a reference, in the first-mentioned case, to the administrative counties of Cambridge and the Isle of Ely, and, in the last-mentioned case, to the administrative counties of Northampton and the Soke of Peterborough.

(4) In relation to payments in respect of jury service at a court of assize held for the Isle of Wight and the residue of the county of Southampton or a division of that county or at a court of quarter sessions held for that county, the appropriate local treasurer and the appropriate local fund for the purposes of this Part of this Act shall respectively be the treasurer of the administrative county of Southampton and the county fund of that administrative county.

(5) In the case of a court of assize held for any of the counties mentioned in subsections (2) and (3) of this section or for a division of any of those counties by a court sitting in a county borough surrounded by or adjoining one of the administrative counties so mentioned, the borough shall be deemed for the purposes of the said subsection (2) to be included in that administrative county or, if it adjoins more than one such administrative county, in such one of them as the Lord Chancellor may direct.

(6) In this section the expression "the three divisions of Lincolnshire" means the parts of Holland, the parts of Kesteven and the parts of Lindsey.

Duty of councils, &c., to cause treasurer to be present at court.

7. The council of every administrative county and of every borough and each of the joint committees mentioned in paragraph (*a*) of subsection (1) of the last foregoing section shall cause their treasurer, or some person on his behalf, to attend at every court of assize and court of quarter sessions payments in respect of jury service whereat fall to be made by the treasurer of that county, borough or joint committee for the purpose of paying any orders made under subsection (2) of section three of this Act and, save in so far as the court may otherwise direct, to remain in attendance for that purpose during the sitting of the court.

Power to adapt foregoing sections to accord with winter assizes, &c.

8. Subsection (1) of section seventy-two of the Act of 1925 (which empowers His Majesty by Order in Council to regulate circuits), shall have effect as if paragraph (*f*) thereof included a reference to payments in respect of jury service, and an Order in

PART I —*cont.*

Council under that section may adapt the foregoing provisions of this Act to such extent as appears to His Majesty in Council to be necessary or expedient for the purposes of the Order.

Consequential amendments of Local Government Act, 1888.

9. Expenses incurred by way of the making of payments in respect of jury service at a court of assize held for a county or a division thereof, after deducting any amount which the appropriate local treasurer is entitled to be reimbursed under section five of this Act, shall be deemed for the purposes of the Local Government Act, 1888, to be part of the costs of assizes, and expenses incurred by way of the making of payments in respect of jury service at a court of quarter sessions (other than a court held for a borough) shall be deemed for those purposes to be part of the costs of quarter sessions, and references in the Local Government Board's Provisional Order Confirmation (No. 2) Act, 1889 (which contains financial provisions relating to assizes and quarter sessions and other matters for the purposes of which the administrative counties of Southampton and the Isle of Wight are to continue to be one county), to the costs of assizes and quarter sessions shall be construed accordingly.

Consequential amendments as to coroners.

10.—(1) Any power of a coroner, other than a power conferred by this Part of this Act, to make a payment to a person for his services as a juror at a coroner's court shall cease, and the power of a local authority under section twenty-five of the Coroners Act, 1887, to make a schedule relating to fees, allowances and disbursements which may lawfully be paid and made by a coroner shall cease so far as regards the inclusion in any such schedule of sums payable to persons for their services as jurors.

(2) Sections twenty-six and twenty-seven of the Coroners Act, 1887, as amended by the Coroners Act, 1926 (which relate to the payment and making by a coroner of fees, allowances and disbursements and the repayment of the coroner by the local authority), shall apply to payments in respect of jury service at a coroner's court made by the coroner as they apply to disbursements made by him under and in accordance with the provisions of the first-mentioned Act.

Reimbursement of sheriffs, &c.

11. Sums certified by a sheriff or the bailiff of a franchise to have been duly expended by him by way of the making of payments in respect of jury service, other than service on a jury summoned for the purposes of an inquiry under the Lands Clauses Consolidation Act, 1845, shall, upon production of the certificate, be repaid to him by the accounting officer of the Supreme Court out of moneys provided by Parliament.

Consequential amendments of Lands Clauses Consolidation Act, 1845.

12. Payments in respect of jury service for the purposes of an inquiry under the Lands Clauses Consolidation Act, 1845, shall—

(*a*) for the purposes of section fifty-one of that Act (which determines the manner in which the costs of such an

inquiry by a jury are to be borne) be deemed to be costs of summoning, impanelling and returning the jury;

(*b*) for the purposes of section fifty-two of that Act (which provides for the settlement of disputes with respect to the costs of such an inquiry) be deemed to be reasonable costs incurred in summoning, impanelling and returning the jury.

Abolition of other rights to payment.

13. No person shall be entitled under any Act other than this Act or under any rule of law, custom or agreement to payment for his services as a juror.

Exclusion of certain juries.

14. The foregoing provisions of this Part of this Act shall not apply to, or in relation to, service on a jury summoned—

(*a*) for the purposes of an inquest held by the coroner of His Majesty's household;

(*b*) for the purposes of a trial of the pyx under section twelve of the Coinage Act, 1870;

(*c*) for attendance at the Great or Small Barmote Court for the Hundred of High Peak or the Soke and Wapentake of Wirksworth or a great or small barmote court for any of the manors or liberties mentioned in sections twelve to fifteen of the Derbyshire Mining Customs and Mineral Courts Act, 1852; or

(*d*) for attendance at a hundred court which is not a court of record or at a court baron, court leet, law day, view of frankpledge or other like court.

Expenses of councils.

15. Any increase attributable to the passing of this Act in the sums which, under Part I of the Local Government Act, 1948, are payable out of moneys provided by Parliament shall be defrayed out of moneys so provided.

Operation of foregoing sections.

16. The foregoing provisions of this Act shall come into operation on the first day of October, nineteen hundred and forty-nine, but shall not be taken to prevent the making, apart from this Part of this Act, on or after that day—

(*a*) of a payment to a person for service of his as a juror completed before that day; or

(*b*) to a person whose service on a jury begins before but ends after that day, being a person who, if this Act had not passed, would have been entitled to payment, apart from this Part of this Act, of an amount in respect of each day of his service, of payment of that amount in respect of each day of his service before the said first day of October;

or to disentitle a person to claim a payment which may be made as aforesaid:

Provided that subsection (4) of section one and section eight of this Act shall come into operation on the passing thereof.

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Fees in county courts for trials with juries.

17. Orders may be made under section one hundred and sixty-seven of the County Courts Act, 1934, with respect to the payment of fees in respect of the trial with a jury in a county court of proceedings ordered after the end of the month of September, nineteen hundred and forty-nine, to be tried with a jury, and accordingly subsection (4) of section ninety-three of that Act (which provides that the amount to be paid to the registrar for payment of a jury shall be eight shillings) shall cease to have effect on the expiration of that month except in relation to proceedings ordered before the end of that month to be so tried.

Abolition of Special Juries except in Commercial Causes

Abolition of special juries.

18.—(1) Subject to the provisions of this and the next following section, no issue or question shall be tried or determined after the end of the month of September, nineteen hundred and forty-nine, by a special jury and no person shall be summoned to serve as a special juror for the trial or determination after the end of that month of an issue or question, but where, but for the passing of this Act, an issue or question would fall to be tried or determined after the end of that month by a special jury it shall be tried or determined by a jury other than a special jury:

Provided that—

(*a*) this subsection shall not apply to the trial by a special jury of a question of disputed compensation under the Lands Clauses Consolidation Act, 1845; and

(*b*) this subsection shall not apply to the trial or determination of an issue or question (other than as aforesaid) by a special jury sworn before the end of that month, and the trial or determination of that issue or question by that jury may be proceeded with in all respects as if this section had not been enacted.

(2) Sections fifty-four to fifty-six of the Lands Clauses Consolidation Act, 1845 (which relate to the trial by a special jury of questions of disputed compensation), shall cease to have effect on the expiration of the month of September, nineteen hundred and forty-nine, except in relation to cases in which a warrant requiring the nomination of a special jury has been issued under the said section fifty-four before the expiration of that month, and the proviso to subsection (1) of section five of the Juries Act, 1922 (which contains a saving for the manner of striking a special jury to try any such question as aforesaid), shall so cease to have effect except in relation to a jury summoned in pursuance of a warrant so issued.

(3) The exemption from service as a common juror in the Salford Hundred Court of Record conferred by section seventy-two of the Salford Hundred Court of Record Act, 1868, on persons liable to serve as special jurors in that court shall cease

on the expiration of the month of September, nineteen hundred and forty-nine. PART I —*cont.*

Saving for City of London special juries in commercial causes.

19.—(1) Subsection (1) of the last foregoing section shall not apply to the trial by a City of London special jury of an issue in a cause entered in the commercial list for trial at the Royal Courts of Justice in the King's Bench Division of the High Court, and orders and directions for the trial of any such issue by such a special jury may be made and given, and (subject to any rules made by virtue of the next following subsection) City of London special jurors may be summoned, impanelled and returned for the trial of any such issue, in all respects as if this Act had not passed.

(2) Rules of court may be made under section ninety-nine of the Act of 1925 with respect to the summoning of City of London special jurors for the trial after the end of the month of September, nineteen hundred and forty-nine, of any such issue as is mentioned in the foregoing subsection, and section sixteen of the Juries Act, 1870 (which relates to the summoning of special jurors in London and Middlesex), shall cease to have effect on the expiration of the month of July in that year.

(3) In this section the expression " City of London special jurors " means persons whose names are entered in the jurors book for the City of London and marked therein as being the names of persons qualified to serve as special jurors, and the expression " City of London special jury " shall be construed accordingly.

Discontinuance of terms " common jury " and " common juror ".

20. As from the expiration of the month of September, nineteen hundred and forty-nine, the expressions " common jury " and " common juror " shall cease to be used.

Repeal of 61 & 62 Vict. c. 6.

21. The Special Juries Act, 1898 (which enables rules of court to be made with respect to special juries), shall cease to have effect on the expiration of the month of September, nineteen hundred and forty-nine.

Supplemental Provisions

Interpretation of Part I.

22.—(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" the Act of 1925 " means the Supreme Court of Judicature (Consolidation) Act, 1925;

" district ", in relation to a court held by virtue of a special commission for the trial of matrimonial causes, means a district defined in an Order in Council under section eighty-four of the Act of 1925 and, in relation to the Chancery Court of the County Palatine of Lancaster, means a district assigned under section thirty-three of the Court of Chancery of Lancaster Act, 1850;

PART I —*cont.*

" division ", in relation to a county, means (except in the case of an express reference to the three divisions of Lincolnshire) a division of the county constituted by an Order in Council under section seventy-two of the Act of 1925 or under the corresponding provisions of an enactment repealed by that Act;

" franchise " means a franchise within the meaning of the Sheriffs Act, 1887;

" matrimonial causes " has the same meaning as it has for the purposes of the Act of 1925.

(2) Any reference in this Part of this Act to a sheriff shall be construed as including a reference to the Secondary of the City of London and any reference in this Part of this Act to the bailiff of a franchise shall be construed as including a reference to the deputy bailiff thereof.

(3) Any reference in this Part of this Act to the Lands Clauses Consolidation Act, 1845, or a provision thereof shall be construed as including a reference to that Act or that provision thereof, as the case may be, as incorporated in any Act, whether public general or local.

Extent of Part I.

23. This Part of this Act shall not extend to Scotland or Northern Ireland.

PART II

SCOTLAND

Payments in respect of jury service in Scotland.

24.—(1) Subject to the provisions of this Part of this Act, persons who serve as jurors shall be entitled to be paid, in accordance with prescribed scales and subject to any prescribed conditions,—

(*a*) travelling and subsistence allowances; and

(*b*) compensation for loss of earnings which they would otherwise have made or additional expense (other than expense on account of travelling or subsistence) to which they would not otherwise have been subject, being loss or expense necessarily suffered or incurred for the purpose of enabling them to serve as jurors:

Provided that the amount which may be paid to a person by virtue of paragraph (*b*) of this subsection in respect of his services as a juror on any one day shall not exceed—

(i) where the period of time over which earnings are lost or additional expense is incurred is not more than four hours, the sum of ten shillings; or

(ii) where the said period of time is more than four hours, the sum of twenty shillings.

(2) For the purposes of this section, a person who, in obedience to a citation to serve on a jury, attends for service as a juror, shall be deemed to serve as a juror notwithstanding that he is not subsequently impanelled.

PART II —*cont.*

(3) A payment to which a person is entitled under this section is in this Part of this Act referred to as " a payment in respect of jury service ".

Person by whom the amount of a payment is to be ascertained and paid.

25.—(1) The amount due to a person by way of a payment in respect of jury service shall be ascertained and paid—

(*a*) in the case of service at a sitting of the High Court of Justiciary at Edinburgh or in the Court of Session, by the King's and Lord Treasurer's Remembrancer or such other officer as may be prescribed ;

(*b*) in the case of service at a sitting of the High Court of Justiciary on circuit, or of the sheriff court, whether for a civil or a criminal trial, by the sheriff clerk of the county in which such sitting is held ;

(*c*) in the case of service at an inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895, or the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906, by the sheriff clerk of the county in which the inquiry is held ; and

(*d*) in the case of service on a jury summoned under the Lands Clauses Consolidation (Scotland) Act, 1845, by the sheriff clerk of the court to which the petition to summon the jury is presented.

(2) The sums required for the making of payments in pursuance to paragraphs (*a*) to (*c*) of the last foregoing subsection shall be paid out of moneys provided by Parliament.

Fee payable by party applying for jury trial in civil cause.

26.—(1) Where an order is made—

(*a*) for the trial of any action by a jury in the Court of Session whether such action originated in that Court or was removed thereto under section thirty of the Sheriff Courts (Scotland) Act, 1907, or

(*b*) for the trial of any action by a jury in the sheriff court,

the person on whose application such order is made shall pay to the clerk of court such fee as may be fixed by Act of Sederunt with the consent of the Treasury, and in the event of his failure to do so within such time as may be fixed by Act of Sederunt the court may recall the order.

(2) A fee payable in pursuance of the last foregoing subsection shall form part of the expenses of the action and shall be returned to the person who paid it in the event of the trial not being proceeded with and no person being cited to attend for service as a juror thereat.

Consequential amendments of Lands Clauses Consolidation (Scotland) Act, 1845.

27. Payments in respect of service on a jury summoned under the Lands Clauses Consolidation (Scotland) Act, 1845, shall—

(*a*) for the purposes of section fifty of that Act (which determines the manner in which the expenses of an inquiry by a jury are to be borne) be deemed to be expenses of the inquiry;

PART II —*cont.*

(*b*) for the purposes of section fifty-one of that Act (which provides for the determination of the amount of such expenses) be deemed to be reasonable expenses incurred in summoning, impanelling and returning the jury.

Abolition of special juries and special jurors.

28.—(1) No issue or question shall be tried or determined by a special jury and no person shall be cited or summoned to serve as a special juror for the trial or determination of any issue or question, and any enactment requiring the preparation of a roll of special jurors or of a special jury book or the inclusion in a jury of special jurors shall cease to have effect.

(2) The privilege to which a landed person is entitled of being tried by a jury comprising a majority of landed persons is hereby abolished.

Consequential and minor amendments.

29. The amendments specified in the third column of the First Schedule to this Act, being amendments of a minor or consequential nature, shall be made in the enactments specified in the first and second columns of that Schedule.

Commencement of Part II.

30. The foregoing provisions of this Part of this Act shall come into operation on the first day of October, nineteen hundred and forty-nine:

Provided that nothing in this Part of this Act shall be taken to prevent—

(i) payment to a person for service as a juror completed before that day; or

(ii) the making, to a person whose service as a juror begins before but ends after that day, of any payment in respect of each day of his service before the said day to which he would have been entitled if this Act had not passed; or

(iii) the making of a claim to any such payment as aforesaid; or

(iv) the trial after the aforesaid day of any issue or question by a special jury in pursuance of a petition presented to the sheriff before the said day under section fifty-three of the Lands Clauses Consolidation (Scotland) Act, 1845; or

(v) the trial after the aforesaid day of any issue appointed before that day to be tried by a special jury.

Discontinuance of terms "common jury" and "common juror".

31. As from the expiration of the month of September, nineteen hundred and forty-nine, the expressions "common jury" and "common juror" shall cease to be used.

Interpretation of Part II.

32.—(1) In this Part of this Act the expression "prescribed" means prescribed by regulations made by the Secretary of State with the consent of the Treasury.

The power conferred by this subsection on the Secretary of State shall be exercisable by statutory instrument.

PART II —*cont.*

(2) Any reference in this Part of this Act to the Lands Clauses Consolidation (Scotland) Act, 1845, or to any provision thereof shall be construed as including a reference to that Act or to that provision as the case may be, as incorporated in any Act whether public general or local.

Extent of Part II.

33. This Part of this Act shall extend to Scotland only.

PART III

NORTHERN IRELAND

Extension of legislative power of the Parliament of Northern Ireland with respect to juries.

34. The reservation by section forty-seven of the Government of Ireland Act, 1920, of matters relating to the Supreme Court of Judicature of Northern Ireland shall not preclude the Parliament of Northern Ireland from making a law providing for the making of payments to persons in respect of their services as jurors in His Majesty's High Court of Justice in Northern Ireland or the abolition, either generally or in such cases as may be specified by that law, of special juries in that Court.

PART IV

SHORT TITLE, &C.

Short title, citation and repeal.

35.—(1) This Act may be cited as the Juries Act, 1949.

(2) The Juries Acts, 1825 to 1870, the Juries Act, 1922, and Part I of this Act may be cited together as the Juries Acts, 1825 to 1949.

(3) The enactments mentioned in the first and second columns of the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule—

(*a*) as respects the enactment mentioned in Part I of that Schedule, on the passing of this Act;

(*b*) as respects the enactment mentioned in Part II of that Schedule, on the expiration of the month of July, nineteen hundred and forty-nine; and

(*c*) as respects the enactments mentioned in Part III of that Schedule, on the expiration of the month of September, nineteen hundred and forty-nine;

and the enactments mentioned in the first and second columns of the Third Schedule to this Act shall be repealed on the expiration of the month of September, nineteen hundred and forty-nine, to the extent specified in the third column of that Schedule:

Provided that the repeal of sections fifty-four to fifty-six of the Lands Clauses Consolidation Act, 1845, shall not extend to Northern Ireland.

SCHEDULES

Section 29

FIRST SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS OF SCOTTISH ENACTMENTS

Session and Chapter	Short Title	Nature of Amendment
6 Geo. 4. c. 22	The Jurors (Scotland) Act, 1825.	In section five, for the words " as well in the general as in the special jury book as aforesaid " there shall be substituted the words " in the general jury book "; in section eight, for the words " and special jury books " there shall be substituted the words " jury book "; in section nine for the word " books " there shall be substituted the word " book "; in section seventeen for the words from " and the names " to " the other box " there shall be substituted the words " and to be put into a box or glass and mixed and the clerk shall draw out the said pieces of paper or parchment one by one from the box or glass ".
31 & 32 Vict. c. 100.	The Court of Session Act, 1868.	In section forty-four, for the words from " and the names " to " the other box " there shall be substituted the words " and to be put into a box or glass and mixed and the clerk shall draw out the said pieces of paper or parchment one by one from the box or glass ".
50 & 51 Vict. c. 35.	The Criminal Procedure (Scotland) Act, 1887.	In section thirty-nine for the words " lists of special and common jurors respectively " there shall be substituted the word " list ".
58 & 59 Vict. c. 36.	The Fatal Accidents Inquiry (Scotland) Act, 1895.	In section four, in subsection (4) for the words " ten common and five special " there shall be substituted the word " fifteen "; and in subsection (5) for the words " five common and two special " there shall be substituted the word " seven ".
7 Edw. 7. c. 51	The Sheriff Courts (Scotland) Act, 1907.	In the First Schedule, for rule 133 there shall be substituted the following rule :—" 133. The jury " shall be chosen from a panel of " fifteen jurors to be cited for the " diet "; in rule 135 for the words " one special and one common " juror " there shall be substituted the words " two jurors ".

SECOND SCHEDULE

Section 35

ENGLISH ENACTMENTS REPEALED

PART I

ENACTMENT REPEALED ON THE PASSING OF THIS ACT

Session and Chapter	Short Title	Extent of Repeal
12 & 13 Geo. 5. c. 11.	The Juries Act, 1922	In section one, in subsection (2), the words " and the names of such of the persons so qualified and liable as are qualified to serve as special jurors ", in subsection (3) the words " or qualified to serve as special jurors ", in subsection (4), the words " or as a special juror ", in subsection (5), the words " or as a special juror, as the case may be ", in subsection (6), the words " or as a special juror " in both places where those words occur, and in subsection (11), the words " or as a special juror ". In section two, in subsection (1), the words " or special juror " in both places where those words occur, and, in subsection (2), the words "or special jurors" and, in the first place where they occur, the words " as such ". In section six, in subsection (1), in paragraphs (*a*) and (*b*), the words " or as special jurors " and the words " or qualified ".

PART II

ENACTMENT REPEALED AT END OF JULY, 1949

Session and Chapter	Short Title	Extent of Repeal
33 & 34 Vict. c. 77.	The Juries Act, 1870	Section sixteen.

PART III

2ND SCH. —*cont.*

ENACTMENTS REPEALED AT END OF SEPTEMBER, 1949

Session and Chapter	Short Title	Extent of Repeal
6 Geo. 4. c. 50	The Juries Act, 1825	In section twenty-five, the words from " and the summons " to the words " is to attend ". Sections thirty, thirty-three and thirty-five. In section forty, the proviso. In section forty-three, the words " or shall summon any special juror less than three days before the day on which he is to attend ".
8 & 9 Vict. c. 18.	The Lands Clauses Consolidation Act, 1845.	Sections fifty-four to fifty-six, except in relation to cases in which a warrant requiring the nomination of a special jury has been issued under section fifty-four before the end of the month of September, nineteen hundred and forty-nine.
15 & 16 Vict. c. 76.	The Common Law Procedure Act, 1852.	Section one hundred and eight.
17 & 18 Vict. c. 125.	The Common Law Procedure Act, 1854.	In section fifty-nine, the words " special or ".
31 & 32 Vict. c. cxxx.	The Salford Hundred Court of Record Act, 1868.	Sections seventy-two and seventy-three. In section seventy-six, the words from " provided that where a Special Jury " to the words " can be found ".
33 & 34 Vict. c. 77.	The Juries Act, 1870	In section six, the words " for any county in England or Wales, or ", the words " in every such county in England and Wales, and " and the word " respectively ". Section eighteen.
61 & 62 Vict. c. 6.	The Special Juries Act, 1898.	The whole Act.
12 & 13 Geo. 5. c. 11.	The Juries Act, 1922	In section five, in subsection (1), the words " Subject as hereinafter provided " and the proviso, except in relation to a jury summoned in pursuance of a warrant issued under section fifty-four of the Lands Clauses Consolidation Act, 1845, before the end of the month of September, nineteen hundred and forty-nine.
24 & 25 Geo. 5. c. 53.	The County Courts Act, 1934.	In section ninety-three, subsection (4), except in relation to proceedings ordered before the end of the month of September, nineteen hundred and forty-nine, to be tried with a jury.

THIRD SCHEDULE

Section 35

SCOTTISH ENACTMENTS REPEALED AT END OF SEPTEMBER, 1949

Session and Chapter	Short Title	Extent of Repeal
55 Geo. 3. c. 42.	The Jury Trials (Scotland) Act, 1815.	In section twenty-two the words " or " who shall be summoned as a " special juror or special jurors as after mentioned " ; sections twenty-four to twenty-seven ; in section twenty-nine, the words " or summoned as special jurors " ; section thirty.
6 Geo. 4. c. 22	The Jurors (Scotland) Act, 1825.	Section four ; in section six the words " both general and special " ; in section seven the provisos ; in section nine, the words from " one third " to the end of the section ; in section ten, the words " and also " in the special jury book in the case " of special jurors " ; section twelve ; in section sixteen the first proviso ; in section seventeen the words from " containing the de- " scription of jurors challenged " respectively " to the end of the section.
7 Geo. 4. c. 8	The Juries (Scotland) Act, 1826.	Sections one to three; in section four the word " either ", the words " or in the said special jury book ", and the words " or the said special jury book as the case may be."
8 & 9 Vict. c. 19.	The Lands Clauses Consolidation (Scotland) Act, 1845.	In section forty-three, the words " whether common or special " ; sections fifty-three to fifty-five except in relation to cases in which a petition has been presented to the sheriff under section fifty-three before the end of the month of September, nineteen hundred and forty-nine.
13 & 14 Vict. c. 36.	The Court of Session Act, 1850.	In section forty-two the words from " and it shall be lawful " to the end of the section.
31 & 32 Vict. c. 100.	The Court of Session Act, 1868.	In section forty-four, the words " containing the description of " jurors challenged respectively " ; in section forty-five the words from " but so that " to the end of the section; section forty-nine.
50 & 51 Vict. c. 35.	The Criminal Procedure (Scotland) Act, 1887.	In section thirty-eight the words " and consisting of special and " common jurors in the proportion " of one special to two common " jurors ".

3RD SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
58 & 59 Vict. c. 36.	The Fatal Accidents Inquiry (Scotland) Act, 1895.	In section four, subsection (9).
7 Edw. 7. c. 51	The Sheriff Courts (Scotland) Act, 1907.	Section thirty-three.
10 & 11 Geo. 5. c. 53.	The Jurors (Enrolment of Women) (Scotland) Act, 1920.	In section one, in subsection (1) the words " and the special ".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Lands Clauses Consolidation (Scotland) Act, 1845 ...	8 & 9 Vict. c. 19.
Court of Chancery of Lancaster Act, 1850	13 & 14 Vict. c. 43.
Derbyshire Mining Customs and Mineral Courts Act, 1852	15 & 16 Vict. c. clxiii.
Salford Hundred Court of Record Act, 1868	31 & 32 Vict. c. cxxx.
Coinage Act, 1870	33 & 34 Vict. c. 10.
Juries Act, 1870...	33 & 34 Vict. c. 77.
Sheriffs Act, 1887	50 & 51 Vict. c. 55.
Coroners Act, 1887	50 & 51 Vict. c. 71.
Local Government Act, 1888	51 & 52 Vict. c. 41.
Local Government Board's Provisional Order Confirmation (No. 2) Act, 1889...	52 & 53 Vict. c. clxxvii.
Fatal Accidents Inquiry (Scotland) Act, 1895 ...	58 & 59 Vict. c. 36.
Special Juries Act, 1898	61 & 62 Vict. c. 6.
Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906	6 Edw. 7. c. 35.
Sheriff Courts (Scotland) Act, 1907	7 Edw. 7. c. 51.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Juries Act, 1922	12 & 13 Geo. 5. c. 11.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Coroners Act, 1926	16 & 17 Geo. 5. c. 59.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.