

# Guide to Jury Service

## Eligibility and Applying for Excusal

### Are you qualified for jury service?

Subject to the information included in boxes A and B below, you are qualified for jury service if:

- you will be **at least 18** years old on the date that you start your jury service;
- you are registered as a parliamentary or local government elector; **AND**
- you have lived in the United Kingdom, Channel Islands or Isle of Man for any period of at least 5 years since you were 13 years old.

You are **not qualified** for jury service if you do not meet all of these criteria, or if anything in box A applies to you, and you should complete the enclosed application and return it to the court as soon as possible.

You are **ineligible** if anything in box B applies to you, and you should complete the enclosed application and return it to the court as soon as possible.

You may apply for excusal as of right if the information in box C applies to you. If you wish to apply you should complete the enclosed application and return it to the court as soon as possible.

**WARNING: It is an offence to serve on a jury knowing that you are not qualified for jury service or are ineligible or disqualified from jury service.**

#### Part 1 of your application

You must fill in this section carefully or the court will not be able to process your application. **Please make sure that you include** your name, address, person ID (*this is the number which is in brackets after your name on the front of your citation, it is 7 or 8 digits long*), date of birth (*where requested*).

#### Box A – Persons Disqualified From Jury Service

You are disqualified from jury service if:

- you are on bail in or in connection with criminal proceedings in any part of the United Kingdom.
- you have been sentenced, at any time, in the United Kingdom, the Channel Islands or the Isle of Man –
  - to a period of imprisonment for life or for a term of more than 48 months; or
  - to be detained during Her Majesty's pleasure, during the pleasure of the Secretary of State or the Governor of Northern Ireland (i.e. sentenced for murder while under the age of 18);

or

- you have in the United Kingdom, the Channel Islands or the Isle of Man –
  - served any part of a custodial sentence:
  - which was imposed for a period of at least 3 months but not exceeding 12 months plus a period of 2 years after which the total term of the sentence imposed would have expired (or the total term of sentence plus 1 year if under 18 on the date of conviction);
  - which was imposed for a period of 12 months but did not exceed a period of 30 months plus a period of 4 years after which the total term of the sentence imposed would have expired (or the total term of sentence plus 2 years if under 18 on the date of conviction);
  - which was imposed for a period that exceeded 30 months but did not exceed a period of 48 months, plus a period of 6 years after which the total term of the sentence imposed would have expired (or the total of the term of sentence plus 3 years if under 18 on the date of conviction);

or

at any time served any part of a sentence of imprisonment or detention, which was for between 48 months and 5 years

or

- if you were convicted of an offence and one or more of the following disposals was made:
  - a probation order ;
  - a community service order;
  - a drug treatment and testing order;
  - a restriction of liberty order; or
  - a community payback order;
 under the Criminal Procedure (Scotland) Act 1995;
- in the last 12 months (or 6 months where you were under 18 on the date of conviction) or when such a requirement of the order ceases or ceased to have effect or otherwise requires or required to be complied with, whichever is the longer period of the two)

or

- a community order under the Criminal Justice Act 2003;
- a youth community order under section 33 of the Powers of Criminal Courts (Sentencing) Act 2000;
- a community order under the Criminal Justice (Northern Ireland) Order 1996; or
- a drug treatment and testing order under the Criminal Justice (Northern Ireland) Order 1998;
- in the last 12 months (or 6 months where you were under 18 on the date of conviction) or when such a requirement of the order ceases or ceased to have effect or otherwise requires or required to be complied with, whichever is the longer period of the two)

## **Box B – Persons ineligible**

**You are ineligible for jury service if any of the categories mentioned below apply to you:**

- you are a Justice of the Supreme Court or the President or Deputy President of that Court;
- you are a Senator of the College of Justice;
- you are a sheriff;
- you are a summary sheriff
- you are a Justice of the Peace;
- you are the chairman or the president, the vice chairman or vice president, the registrar or assistant registrar of any tribunal;
- you have, at any time within the 10 years immediately preceding the date at which your eligibility for jury service is being considered, come within any description listed above in this box.
- you are an Advocate or a solicitor, whether or not in actual practice as such;
- you are an advocate's clerk;
- you are an apprentice of, or a legal trainee employed by, solicitors;
- you are an officer or staff of any court if your work is wholly or mainly concerned with the day to day administration of the court;
- you are employed as a shorthand writer in any court;
- you are a Clerk of the Peace or one of their deputies;
- you are a member of or staff of the Scottish Police Authority
- you are an Inspector of Constabulary appointed by Her Majesty;
- you are an assistant inspector of constabulary appointed by the Secretary of State.
- you are a constable of the Police Service of Scotland (including constables on temporary service within the meaning of section 15 of the Police and Fire Reform (Scotland) Act 2012.
- you are a constable of any constabulary maintained under statute;
- you are a person employed in any capacity by virtue of which you have the powers and privileges of police constables;
- you are a special constable;
- you are a police cadet
- you are person appointed under section 26(1) of the Police and Fire Reform (Scotland) Act 2012.
- you are a member of the National Criminal Intelligence Service;
- you are a member of the Service Authority for the National Criminal Intelligence Service or a person employed

by that Authority under section 13 of the Police Act 1997;

- you are an officer of the National Crime Agency;
  - you are an officer of prisons, remand centres, detention centres, borstal institutions and young offenders institutions;
  - you are a prison monitoring co-ordinator appointed under section 7A(2) of the Prisons (Scotland) Act 1989 and independent prison monitor appointed under section 7B (2)(a) of that Act
  - you are a prisoner custody officer within the meaning of section 114(1) of the Criminal Justice and Public Order Act 1994;
  - you are a procurator fiscal within the meaning of section 307(1) of the Criminal Procedure (Scotland) Act 1995, or are employed as a clerk or assistant to such procurators fiscal;
  - you are a messenger at arms or sheriff officer;
  - you are a member of a children's panels;
  - you are a reporter appointed under section 36 of the Social Work (Scotland) Act 1968 or are a member of a reporter's staff;
  - you are a director of social work appointed under section 3 of the Social Work (Scotland) Act 1968 or are employed to assist such directors in the performance of such of their functions as relate to probation schemes within the meaning of section 27 of that Act;
  - you are a member of the Parole Board for Scotland; or
  - you have, at any time within the **5 years** immediately preceding the date at which your eligibility for jury service is being considered, come within any description contained in the categories **above** in box B;
  - you have, at any time within the **5 years** immediately preceding the date at which your eligibility for jury service is being considered, been a member or employee of the Scottish Police Services Authority.
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- you are a member or employee of the Scottish Criminal Case Review Commission;
  - you are a chief officer of a community justice authority established under section 3 of the Management of Offenders etc. (Scotland) Act 2005;
  - you are a person who is receiving medical treatment for a mental disorder and are either –
    - for the purposes of that treatment, detained in hospital under the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995;
    - for the time being subject to guardianship under the Adults with Incapacity (Scotland) Act 2000.

## Are you eligible to apply for excusal?

### Box C – Persons excusable as of right

If you come within one of the categories noted below, you have the option to apply to the court to be excused as of right. **Please Note:** you will only be excused 'as of right' if you apply within 7 days of receiving the Jury Citation. If you apply outwith this period then you will be required to state a good reason for excusal. The clerk of court will consider your request, taking account of all relevant circumstances and you may be required to attend for jury service. **This does not apply if you are aged 71 or over - in these circumstances you can apply for exemption up until the date you attend court.**

- you are a peer or peeress entitled to receive writs of summons to attend the House of Lords;
- you are a member of the House of Commons;
- you are an officer of the House of Lords;
- you are an officer of the House of Commons;
- you are a member of the Scottish Parliament;
- you are a member of the Scottish Executive;
- you are a junior Scottish Minister;
- you are a representative to the Assembly of the European Parliament;
- you are a member of the National Assembly for Wales;
- you are the Auditor General for Scotland;
- you are a medical practitioner; dentist; nurse; midwife; pharmaceutical chemist; or a veterinary surgeon or veterinary practitioner (if actually practising your profession) and are registered (whether full or otherwise), you are enrolled or are certified under the enactments relating to that profession;
- you are a practising member of a religious society or order the tenets or beliefs of which are incompatible with jury service.

- you are a person in a holy order;
- you are a regular minister of any religious denomination; or
- you are a vowed member of any religious order living in a monastery, convent or other religious community.
- you are a serving member of:
  - any of Her Majesty's naval, military or air forces;
  - the Women's Royal Naval Service;
  - Queen Alexandra's Royal Naval Nursing Service; or
  - any Voluntary Aid Detachment serving with the Royal Navy.

However, if your commanding officer certifies that it would be prejudicial to the efficiency of the force of which you are a member, should you be required to attend for jury service, you may apply for excusal as of right up until the date you attend court;

- you have attended court for jury service within **the last five years** but **were not selected by ballot** to serve on a jury (this only applies where your previous attendance was on a date **prior** to 10th January 2011);
- you have attended court for jury service within **the last two years** but **were not selected by ballot** to serve on a jury (this only applies where your previous attendance was on a date **on or after** 10th January 2011);
- you have attended at court for jury service and **were selected by ballot** to serve on a jury, within the last five years;
- you were excused by direction of any court from jury service for a period which has not yet expired;
- you have **reached the age of 71**.

## Applying for excusal

### **Box D – Applications for excusal on the grounds of ill health or physical disability**

If you wish to apply for excusal on the basis of ill health or physical disability then you must enclose a medical certificate along with your response. This can normally be obtained free of charge from your GP, in terms of Article 4 of Schedule 4 and regulation 25 of The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018 (2018/66). **If your doctor considers your condition is long term or unlikely to change, please ask your doctor to include this information in your medical certificate.**

### **Box E – Applications for excusal due to other special reasons**

If you wish to apply for excusal due to another special reason, for example commitments at work, cancellation of which would cause abnormal inconvenience either to yourself or others, or holiday plans which would be difficult or expensive to rearrange, you should complete the relevant sections of part 3 of the form. You must also provide evidence of this, for example booking confirmation or letter from your employer.

Whilst all applications for excusal will be considered sympathetically, you must understand that court staff may not be able to excuse you from jury service. Rules of court state that a jury cannot be balloted where there are less than 30 of those named on the list of jurors present in court, meaning that it may not be possible for court staff to excuse jurors in all cases.