

Scottish
Court Service



Jury Service

IN THE HIGH COURT AND SHERIFF COURT

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Information for Jurors

Introduction

You are one of a group of people who have been called for possible jury service. This booklet explains what this means, and what you can expect to happen.

It includes:

- Information on arrangements for coming to court
- What happens at the courthouse when you arrive
- What happens if you are chosen to serve on a jury in a criminal case
- How to make claims for loss of earnings or benefit, or necessary expenses incurred on jury service
- A glossary of terms to help you with words that may be used in court.

We would recommend that you read the sections 'Preparing for Jury Service' and 'At Court' before the date you are due to attend court.

Jury service is an interesting and important public duty. If, however, you have any difficulty with the extra travelling to and from court or with the rearrangement of domestic timetables, you can telephone the juror enquiry officer, on the number provided in the local information leaflet, or talk to the clerk of court when you arrive at the courthouse. In these and similar situations the court officials try to be sympathetic, however you must understand that there may be circumstances where they may be unable to help or to excuse you.

Contacting the Court

If you wish to speak to a court officer before your jury service begins, the telephone number is given on your juror's citation and in the local information leaflet.

YOU MUST BRING YOUR CITATION AND YOUR EXPENSES CLAIM FORM WITH YOU TO COURT.

Applying for Excusal or Exemption from Jury Service

If you want to apply for excusal or exemption from jury service you should read the enclosed '**Guide to Jury Service Eligibility and Applying for Excusal**' and fill in the '**Application for Exemption or Excusal from Jury Service**' form which is enclosed with your citation. 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, which means that it may not be possible for court staff to excuse jurors in all cases.

Preparing for Jury Service

If you need to contact the court, please do so as soon as possible to avoid difficulty later. The telephone number and address of the court are given on the local information sheet included with this booklet. **When writing or calling, please state your juror citation number and date of attendance.**

If you have hearing difficulties or are disabled, please contact the court to see what arrangements can be made for you. Most courthouses have access for those with a mobility impairment.

Courtrooms generally are sound-enhanced and some have the Baker Sound Induction Loop (SIL) or Phonic Ear System fitted for the benefit of those with hearing difficulties. If you feel that, due to an illness or disability, you could not follow the evidence, then you should inform the clerk of court **before you attend the court** by completing the enclosed application for exemption or excusal from jury service. You must also provide a medical certificate. Medical certificates which are requested from GPs for the purpose of jury service are exempt from payment. This is in terms of The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004. You should therefore tell the GP surgery of the purpose of the certificate and if you have any difficulty in getting the certificate free of charge you should refer the surgery to the above regulations.

Jurors' attendance update line

It is important that you telephone the jurors' attendance update line on the evening before first attending court, even if this falls on a weekend. The telephone number is shown on your citation. An unforeseen event may affect the start time of the court and last minute arrangements may have to be made for new jurors. So, to avoid unnecessary attendance or a lengthy wait for a delayed trial to start, **please telephone the jurors' attendance update line** to hear the recorded message. After your first attendance at court you must follow the instructions about future attendance given by the judge or clerk of court.

Please note: if you need to speak to a member of court staff, you should not use this telephone number. Instead you should use the main court number on the local information sheet.

How to get to the courthouse

Details of how to get to the courthouse by train or bus, and a map showing the location of the courthouse are provided.

Car parking

If the courthouse has car parking facilities, details will be shown in the enclosed local information leaflet. If car parking facilities are not available, jurors must make their own arrangements. Please allow sufficient time to do so as it is vital that you reach the courtroom on time. You may be required to attend court for the whole day therefore it is advisable, if you need to bring your car to court, that you park in a long-stay car park. The court cannot allow you to leave a court case to go and put money in a parking meter. **Please note:** normally you will only be paid parking fees where public transport is unavailable or unsuitable for your personal needs.

What you should wear

Although there are no set rules as to what jurors should wear, your choice of clothing should be comfortable but smart, so as to reflect the importance of the role you are to play in court.

Smoking

Smoking is not permitted in the court building or precincts, the court room or the jury room. However, you may be allowed to smoke during refreshment breaks and if allowed court staff will escort you to areas outwith the building, where smoking is permitted.

Also, please note that jurors should not eat or chew gum while the court is sitting.

Mobile phones/music players

Mobile phones and music players must not be used and must be switched off when the court is sitting and when jurors are in the jury room considering their verdict. You may be allowed to use your mobile phone for personal calls during the lunch or refreshment breaks. However, you must remember that you must not discuss the case with anyone except your fellow jurors and then only in the privacy of the jury room.

The length of your jury service

Attendance as a juror is unlikely to last more than a week, but the exact length of any trial is hard to estimate. It depends on a number of factors, many of them outwith the court's control. For example, a trial involving a large number of witnesses will generally take longer than a trial with only a few. Cases which do take longer than a week are more likely to occur in the High Court, but can also on occasion happen in the sheriff court. In almost all cases jurors are able to return home each evening but in **exceptional** cases there may be good reasons why you cannot do this.

Most courts set down several trials to be heard during the week, so the number of jurors attending allows more than one jury to be chosen. During the talk to jurors the clerk of court may give an estimate of the length of the trial for which the ballot is about to take place. However, if a trial is expected to last several weeks, the court officials will try to warn jurors by enclosing a letter with the citation for jury service. If you have any pre-existing holiday commitments which make it difficult for you to serve as a juror in such a trial, please complete the 'Application for Exemption or Excusal from Jury Service' and enclose evidence of your holiday commitments, e.g. booking confirmation. You should be aware that there is the possibility that you may be balloted for more than one case during the period for which you have been cited. 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, which means that it may not be possible for court staff to excuse jurors in all cases.

Prospective jurors who are not chosen to sit on a jury will be sent away by the judge shortly after the ballot has taken place, but may be asked to return later in the week as further cases are to be tried. These jurors can get updated information by telephoning the jurors' attendance update line.

The court usually sits from around 10:00am until 4:00pm. Occasionally it may have to sit later. Lunch is provided for the jury and is taken between 1:00 and 2:00pm. Normally, you will not be permitted to leave the courthouse during the lunch break, but should you wish to make an urgent telephone call, then speak to the court official looking after the jury.

You must ensure that you arrive in good time for the start of court each day. It is advisable to go to the toilet before the court starts, as the next court break may be at lunchtime. Some courts may have a mid-morning comfort break, but if you need to visit the toilet during the day, you should attract the attention of a court official. The court will then take a short break.

If you are a first-time juror you may find the atmosphere on the first day tense, emotionally charged and possibly stressful, but you will soon settle in to the new environment and get used to procedures. Please listen carefully to all instructions given by the judge and court officials.

Security

Please look after your personal belongings carefully. Keep your handbag etc. with you at all times.

If you feel threatened at any time – by gesture, word or action – please inform any court official immediately.

In some courts, you may be asked by security officers to allow your bag to be searched and/or to walk through a metal detector. We would be grateful if you could cooperate with such requests as they are standard measures which are in place for the safety of court users.

What happens when you arrive?

On your arrival at the courthouse, a court official will note your attendance and you will be shown to the courtroom where the trial is to take place, or a waiting area. Some time will be spent checking that all jurors are present.

The clerk of court will give a brief talk to the jurors about the arrangements which will apply if they are selected for jury service. During the talk, the clerk of court will tell you the name(s) of the accused and anyone else sufficiently important to have been named in the charge(s) and ask if you know any of these people. If you do, you should speak to the clerk of court. This would also be a good time to speak to the clerk about any other matter which may cause you concern.

IF YOU DO NOT ATTEND COURT AS REQUIRED, AND HAVE NOT ALREADY BEEN EXCUSED, THE COURT MAY FINE YOU FOR FAILING TO COMPLY WITH YOUR CITATION.

Waiting for the court to start

It may be that an accused person will decide to change his or her plea from not guilty to guilty – possibly at the last minute. When this happens a jury will not be needed for this particular case. However, if more than one case has been set down for trial, you may be required to serve on the jury for another case, and it is normal practice to take the guilty pleas first. You may have to wait, therefore, until that case has been dealt with. There may be other occasions throughout the day where you are asked to wait outwith the courtroom. These are normally circumstances outwith the court's control and are often for legal reasons which cannot be discussed with the jury present, therefore you may only be given limited information. If the jurors are asked to leave court, then you may find it helpful to have something to read to help pass the time. We would ask you to be tolerant of these inconvenient, but necessary, delays.

There is often other court business programmed to take place before the case for which the jury is required. There may therefore be a delay before jurors are required and also before the clerk of court can provide you with any information. Again we appreciate your patience during these unavoidable delays.

The selection of the jury

Once it is known that a trial is to start, the clerk of court will draw fifteen names at random from a glass bowl containing all the names of the jurors present. If your name is called out, you should come forward and take the seat you are directed to in the jury box.

Unless good reason is given, or an objection to the balloted juror is allowed, the first fifteen jurors balloted will make up the jury for the trial.

Please do not be worried if your name is objected to. If the judge decides you should not be part of the jury, you should return to your original seat in court.

Swearing the oath

After the jury has been selected, you will receive a copy of the indictment (the legal document which sets out the charges), together with a copy of any special defence lodged on behalf of an accused. Next, the clerk of court will read out the charge or charges against (each of) the accused. At this point the judge may ask the selected jurors before they take the oath whether any of them know any reason why they could not fairly serve as a juror in this case. If you think you know (any of) the accused, or have good reason why you should not serve, then you must tell the court immediately.

The clerk of court will then administer the oath to the jury. If you wish to affirm instead of swearing the oath, you can do so, but it would be helpful if you could mention this to the clerk of court in advance. Affirming means that you make a (non religious) promise before the court that you will well and truly try the case and reach a true verdict on the evidence presented.

After the jury has been sworn, the court will normally have a short break in order to allow the jury to make themselves comfortable. During the break, if you realise that you know someone named in the charge(s), you should tell the clerk of court so that the judge can be informed. **It is important not to discuss the matter with any of your fellow jurors.**

If you are not selected for the jury, you may be told that your jury service is finished. But if there are other cases to be tried, the judge will tell you when to return to court or give you directions about using the jurors' attendance update line for information about your further attendance.

The trial

In Scotland all prosecutions are brought by the Crown acting through the Lord Advocate or one of their deputies, or the Procurator Fiscal.

The task of the Crown is to establish to the satisfaction of the jury the guilt of the accused. This is done by providing or leading evidence from witnesses.

The role of the judge

The judge (in the Sheriff Court, a sheriff) is in charge of all proceedings in the courtroom and he or she alone is responsible for advising you on all matters of law which affect the trial.

If a matter of law has to be decided, it will normally be done by the judge alone. If a point of law is to be argued, the judge may direct the jury to leave the courtroom while this is taking place.

The role of the juror

Listen to all the evidence given and the instructions given by the judge. Do not make your mind up after hearing only *part* of the evidence, as you may be unable to give proper consideration to evidence which is yet to be heard. You can take notes if you wish – writing materials are provided for each juror. Once all the evidence has been given in the case, you should then listen to the speeches from the prosecutor and on behalf of the accused. Your task is to decide whether or not the charge(s) have been proven on the basis of the evidence that is presented to you in court. **You must not make any investigations or enquiries of your own**, only the evidence which has been presented to you in court is to be used in considering the verdict. If you become aware that any fellow juror has managed to get a hold of information themselves then you must bring this to the attention of the clerk of court as soon as possible.

After that you will have to consider the judge's address and any direction in law given to the jury. Having been sent out by the court to consider the verdict, you may participate in discussions with fellow jury members in the jury room. You may wish to refer to notes you have taken during the trial. At the end of the jury discussions, cast your vote for the appropriate verdict.

Secrecy

The judge will say at the start that **you must not discuss the case with anyone except your fellow jurors and then only in the privacy of the jury room. No juror should have any contact with an accused person.** It is a criminal offence for anyone to try to obtain information from a juror about any of the matters discussed by the jury, even long after the trial has ended.

The role of the jury

The role of the jury is to agree a verdict in the case, having heard and considered the facts according to the evidence given and the instructions given by the judge.

How the trial will proceed

Although some judges like to give a short explanatory talk, there are no preliminary or opening speeches on behalf of the prosecution or the accused. The trial begins with the appearance in the witness box of the first witness for the prosecutor. As the prosecution bring the case to court, you hear their case first.

As there is no obligation to prove innocence, the accused person does not have to give or lead evidence on his or her behalf. If the accused does lead evidence, witnesses on his or her behalf will go into the witness box.

Once all the evidence has been given, the prosecutor and counsel or solicitor for the accused, will make their speeches, talking directly to the jury about the evidence they have heard.

REMEMBER: DECIDE THE FACTS OF THE CASE ONLY ON THE BASIS OF THE EVIDENCE GIVEN, AND NOT ON THE BASIS OF ANYTHING ELSE.

Courtroom technology

In the courtroom you may see what appear to be TV screens on the desks and mounted on the walls. This equipment is occasionally used to help in the presentation of evidence to the court or to enable a witness to give evidence from another location outwith the courtroom.

Directions in law from the judge

After the closing speeches from the prosecution and defence, the judge will address the jury and tell them about the law that applies and what verdicts are open to them to return; give instructions on reaching a verdict; and request them to choose one of their number as the spokesperson.

Retiring to the jury room

Once the judge has completed his or her address to the jury, they go to the jury room to consider their verdict. Jurors may take into the room any notes they have made, together with any papers and any copy productions they have been given. The first matter the jury may wish to decide is which juror will be in charge of their discussions and who will speak for them when they return to the courtroom and give in their verdict.

Procedural advice

If the jury require further advice or directions or for permission to see productions, they should advise the clerk of court who will take any request to the judge. The court may sit again to hear that request.

Returning the verdict

When the jury are ready to return the verdict, they will return to the courtroom. The clerk of court will then put questions to the jury spokesperson. Questions in a straightforward case are likely to be:

- **Has the jury agreed upon a verdict?**
Answer: *Yes/No*
- **If yes, what is the verdict in respect of charge one against the accused?**
Answer: *Guilty/Not Guilty/Not Proven*
- **Is the verdict unanimous or by a majority?**
Answer: *Unanimous/Majority*

In other cases the judge may tell the jury what alternative verdicts are open to them. The verdict must deal separately with each accused and each charge. The clerk of court will read back the verdict to the jury to confirm that it has been recorded accurately. **If any member of the jury disagrees with what the spokesperson of the jury is telling the clerk of court, they should say so immediately.**

When the verdict has been recorded by the clerk of court and agreed by the jury, the work of the jury is over. In the event of an acquittal verdict (not guilty or not proven), the accused is discharged by the court.

Finally, if the jury do return a guilty verdict, it is not always possible for the court to dispose of the case at that time. There may be a need for social enquiry or medical reports to be obtained, so the accused may need to return to court at a later date for sentence.

WARNING: IT IS AN OFFENCE TO PASS ON ANY INFORMATION ABOUT STATEMENTS MADE, OPINIONS GIVEN, ARGUMENTS PUT FORWARD OR VOTES CAST BY ANY MEMBER OF THE JURY DURING THEIR DISCUSSIONS, EVEN LONG AFTER THE TRIAL HAS ENDED. IF YOU DO SO, YOU MAY BE FINED OR SENT TO PRISON.

Glossary of terms

Accused: *person on trial charged with committing a crime or offence*

Adjournment: *any break in the hearing of the case*

Co-accused: *any other person charged along with an accused*

Indictment: *court document containing the charge(s)*

Joint minute: *document signed by both sides agreeing evidence*

Pan(n)el: *another name for the accused*

Perjury: *crime of deliberately telling lies in evidence in court*

Production: *an article or exhibit produced as evidence in court*

To affirm: *to make a solemn declaration without an oath or reference to religion*

Verdict: *the decision of the jury*

Payment of Expenses

What you can claim

You are not paid for jury service, but you can claim:

- Loss of earnings or benefits
- Payment for someone else to do your job, e.g. if you are self-employed.

These sums will be repaid subject to a maximum daily amount

- Travelling expenses and any other expenses incurred in respect of jury service (e.g. child minding expenses).

There is a maximum amount which can be claimed. The rate is decided by Scottish Ministers, and is reviewed annually. The maximum amounts payable are included in your expenses guide. There is no scope for any juror to be paid more than these maximum amounts.

In order to claim expenses you should read the enclosed '**Guide to Applying for Expenses for Jury Service**' and fill in the jurors claim for travelling and financial loss form. Please note that where you are claiming loss of earnings your employer will need to fill in the '**Certificate of Loss of Earnings Form**'. The employer will also have to endorse the form with an authorised stamp. Where the employer does not have an official stamp, another piece of evidence will be required before payment can be made (for example headed notepaper or an invoice).

If you receive benefits, you should contact your local benefits office to tell them of the requirement for you to attend for jury service. If they tell you that they are going to withdraw your benefit during your period of jury service, you should contact the court to request a 'Certificate of Loss of Benefit' which you should ask the benefits office to complete. Without this certificate being completed and the required evidence being produced, payment cannot be made.

If you are self-employed, you will need to provide evidence of your earnings, such as an Inland Revenue self-assessment tax return or certified accounts for the previous year to support your claim.

Accompanying this booklet is an expenses guide which will help you to fill in your claim form. If you have any questions about this, you should speak to a court official. If required, court staff, will help you fill in the claim form and make sure that you receive the correct expenses.

Thank you for your attendance

The judge, court officials and legal representatives all recognise and appreciate that serving as a juror may cause you some personal inconvenience. Despite this, we hope that you find the experience instructive and rewarding.

Without your essential contribution, it would not be possible for the Scottish legal system to maintain the high standards which have been achieved over the years.

Frequently Asked Questions

What should I do if I am ill when I am due to attend court?

If you are ill on the date you are due to attend court you must contact the clerk of court on the telephone number on the local information leaflet **before 9:15 am**. You must also provide a medical certificate. Medical certificates which are requested from GPs for the purpose of jury service are exempt from payment.

This is in terms of The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004. You should therefore tell the GP surgery of the purpose of the certificate and if you have any difficulty in getting the certificate free of charge you should refer the surgery to these regulations.

I earn more than the amounts payable for jury service, can I claim more?

Loss of earnings compensation for jurors is decided by the Scottish Ministers, and is reviewed annually. Payments are made as compensation for loss incurred during attendance, but may not fully cover individual juror's actual loss of earnings. Payments are based on standard rates worked out by the time spent on jury duty. The maximum amounts payable are included in your expenses guide. There is no scope for any juror to be paid more than these maximum amounts.

Is childcare available at the court?

There are no childcare facilities available at the court. You may, however, be able to claim childcare expenses. Please read the enclosed expenses guide for more details.

How can I find out if I am required for jury service tomorrow?

You should telephone the jurors' attendance update line as mentioned in your citation.

I am an employer, can I claim expenses as my employee has been selected for jury service?

No, only the employee can claim for loss of earnings. Please read the enclosed expenses guide for more details.

How do I apply for excusal/exemption?

You should read the '**Guide to Jury Service Eligibility and Applying for Excusal**' and fill in the application for exemption or excusal from jury service form and return it to the court which cited you. The court contact details can be found on your citation and in the cover of this booklet.

Who do I contact to find out if my application for excusal/exemption from jury service has been granted?

You should receive a letter from the court advising if this has been granted or not. If you do not receive anything then you should contact the court which cited you. The contact details are provided on the '**Local Information Sheet**' included with this booklet. Please note that you should not use the jurors' attendance update line number for this purpose.

Some important points about jury service

- **Remember to phone the jurors' attendance update line the night before first attending court for jury service, even if this falls on a weekend.** There will be a recorded message containing important information about attendance at court. The number can be found on the front of your citation form. This will avoid unnecessary attendance.
- If you need to speak to a member of court staff telephone the main court telephone number, or enquiries telephone number, on the local information leaflet.
- If you do not attend court as required, and have not already been excused, you may be fined for non attendance.
- You must make sure that you arrive in good time for the start of court each day.
- You must bring your citation and any expenses claim forms to court with you.
- Smoking is not permitted in the court building or precincts, the court room or the jury room.
- Mobile phones and music players must not be used and must be switched off when the court is sitting and when jurors are in the jury room considering their verdict.
- You must not discuss the case with anyone except your fellow jurors and then only in the privacy of the jury room. No juror should have any contact with an accused person.
- If you are ill on the date you are due to attend court you must contact the clerk of court on the telephone number on the local information leaflet **before 9:15 am**. You must also provide a medical certificate.