

## **Are You Qualified For Jury Service in the Court of Session?**

### **Excusal as of right**

Certain persons have a right to be excused from jury service on request.

These are members and officers of both Houses of Parliament, members of the Scottish Parliament, members of the Scottish Executive and junior Scottish Ministers, members of the European Parliament, members of National Assembly for Wales, the Auditor General for Scotland, full-time serving members of the forces, practising members of the medical and similar professions, members of certain religious bodies, ministers of religion etc, persons who have previously attended for jury service within the last 5 years and persons who have been excused by direction of any court from jury service for a period which has not yet expired.

If you come within this category and wish to be excused from jury service on this occasion, you must apply in writing as soon as possible to the clerk of court.

### **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 (See lists below)**

#### **Persons not qualified for jury service**

Persons who are not registered as parliamentary or local government electors.

Persons who are less than 18.

Persons who do not satisfy the condition that they have been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man for a period of at least 5 years since attaining the age of 13 years.

#### **Persons Ineligible**

- (a) Lords of Appeal; Senators of the College of Justice; Sheriffs; Justices of the Peace; Stipendiary Magistrates, The Chairman or President, The Vice-Chairman or Vice-President and The Registrar or Assistant Registrar of any Tribunal; and persons who, at any time within the 10 years immediately preceding the date at which their eligibility for jury service is being considered have come within any description listed in this Group.
- (b) Advocates and Solicitors, whether or not in actual practice as such; Advocates' Clerks; Apprentices of, and legal trainees employed by solicitors; Officers and staff of any court if their work is wholly or mainly concerned with the day to day administration of the court; Persons employed as shorthand writers in any court; Clerks of the Peace and their deputies; Inspectors of Constabulary appointed by Her Majesty; Assistant Inspectors of Constabulary appointed by the Secretary of State; Constables of any police force (including constables engaged on central service within the meaning of Section 38 of the Police (Scotland) Act 1967); Constables of any constabulary maintained under statute; Persons employed in any capacity by virtue of which they have the powers and privileges of police constables; Special Constables; Police Cadets; Persons employed under Section 9 of the said Act of 1967 for the assistance of the constables of a police force; members of the National Criminal Intelligence Service; members of the Service Authority for the National Criminal Intelligence Service and persons employed by that Authority under Section 13 of the Police Act 1997; members of staff of the Serious Organised Crime Agency; prison monitoring co-ordinators appointed under section 7A(2) of the Prisons (Scotland) Act 1989 and independent prison monitors appointed under section 7B(2)(a) of that Act; prisoner custody officers within the meaning of Section 114(1) of the Criminal Justice and Public Order Act 1994; Procurators Fiscal within the meaning of Section 307(1) of the Criminal

Procedure (Scotland) Act 1995, and persons employed as clerks and assistants to such procurators fiscal; Messengers at Arms and Sheriff Officers; Members of children's panels; Reporters appointed under section 36 of the Social Work (Scotland) Act 1968 and their Staff; Directors of Social Work appointed under Section 3 of the said Act 1968 and persons 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; Members of the Parole Board for Scotland; members and employees of the Scottish Criminal Case Review Commission; Chief officers of community justice authorities established under section 3 of the Management of Offenders etc. (Scotland) Act 2005; and Persons who at any time within the 5 years immediately preceding the date at which their eligibility for jury service is being considered have come within any description listed in this Group.

- (c) Persons who are receiving medical treatment for mental disorder and either; are, 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,

Persons for the time being subject to guardianship under the Adults with Incapacity (Scotland) Act 2000.

### **Persons Disqualified**

- A. Persons who have at any time been sentenced in the United Kingdom, the Channel Islands or the Isle of Man –
- (i) to imprisonment for life or for a term of 5 years or more; or
  - (ii) to be detained during Her Majesty's pleasure, during the pleasure of the Secretary of State or during the pleasure of the Governor of Northern Ireland.
- B. Persons who have at any time in the United Kingdom, the Channel Islands or the Isle of Man –
- (a) served any part of a sentence of imprisonment or detention, being a sentence for a term of 3 months or more; or
  - (b) been detained in a borstal institution;

and who are not rehabilitated persons for the purposes of the Rehabilitation of Offenders Act 1974;

- C. Persons who have been convicted of an offence if, in respect of the conviction, one or more of the following orders was made—
- (i) a probation order under section 228(1) of the Criminal Procedure (Scotland) Act 1995 (section 247 of that Act being disregarded for the purposes of this head);
  - (ii) a drug treatment and testing order under section 234B(2) of that Act;
  - (iii) a community service order under section 238(1) of that Act;
  - (iv) a restriction of liberty order under section 245A(1) of that Act;
  - (v) a community order within the meaning of section 177 of the Criminal Justice Act 2003;

- (vi) a community order as defined by section 33(1) of the Powers of Criminal Courts (Sentencing) Act 2000;
- (vii) a community order as defined by article 2(2) of the Criminal Justice (Northern Ireland) Order 1996;
- (viii) a drug treatment and testing order under article 8(2) of the Criminal Justice (Northern Ireland) Order 1998,

except where they are rehabilitated persons for the purposes of the Rehabilitation of Offenders Act 1974.

- D. In respect of jury service in any criminal proceedings, persons who are on bail in or in connection with criminal proceedings in any part of the United Kingdom.

**IF YOU COME WITHIN ANY OF THE ABOVE LISTS PLEASE INFORM THE CLERK OF COURT AS SOON AS POSSIBLE.**