

Changes to legislation: Criminal Justice Act 2003, SCHEDULE 33 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 33

Section 321

JURY SERVICE

1 The Juries Act 1974 (c. 23) is amended as follows.

Commencement Information

II Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

2 For section 1 (qualification for jury service) there is substituted—

“1 Qualification for jury service

- (1) Subject to the provisions of this Act, every person shall be qualified to serve as a juror in the Crown Court, the High Court and county courts and be liable accordingly to attend for jury service when summoned under this Act if—
- (a) he is for the time being registered as a parliamentary or local government elector and is not less than eighteen nor more than seventy years of age;
 - (b) he has been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man for any period of at least five years since attaining the age of thirteen;
 - (c) he is not a mentally disordered person; and
 - (d) he is not disqualified for jury service.
- (2) In subsection (1) above “mentally disordered person” means any person listed in Part 1 of Schedule 1 to this Act.
- (3) The persons who are disqualified for jury service are those listed in Part 2 of that Schedule.”

Commencement Information

I2 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

3 Section 9(1) (certain persons entitled to be excused from jury service) shall cease to have effect.

Commencement Information

I3 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

4 In section 9(2) (discretionary excusal) after “may” there is inserted “, subject to section 9A(1A) of this Act, ”.

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Commencement Information

I4 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

5 After section 9(2) (discretionary excusal) there is inserted—

“(2A) Without prejudice to subsection (2) above, the appropriate officer shall excuse a full-time serving member of Her Majesty’s naval, military or air forces from attending in pursuance of a summons if—

- (a) that member’s commanding officer certifies to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty, and
- (b) subsection (2A) or (2B) of section 9A of this Act applies.

(2B) Subsection (2A) above does not affect the application of subsection (2) above to a full-time serving member of Her Majesty’s naval, military or air forces in a case where he is not entitled to be excused under subsection (2A).”

Commencement Information

I5 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

6 In section 9(3) (discretionary excusal) after “above” there is inserted “or any failure by the appropriate officer to excuse him as required by subsection (2A) above”.

Commencement Information

I6 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

7 In section 9A(1) (discretionary deferral) after “may” there is inserted “, subject to subsection (2) below,”.

Commencement Information

I7 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

8 After section 9A(1) (discretionary deferral) there is inserted—

“(1A) Without prejudice to subsection (1) above and subject to subsection (2) below, the appropriate officer—

- (a) shall defer the attendance of a full-time serving member of Her Majesty’s naval, military or air forces in pursuance of a summons if subsection (1B) below applies, and
- (b) for this purpose, shall vary the dates upon which that member is summoned to attend and the summons shall have effect accordingly.

(1B) This subsection applies if that member’s commanding officer certifies to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty.

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(1C) Nothing in subsection (1A) or (1B) above shall affect the application of subsection (1) above to a full-time serving member of Her Majesty’s naval, military or air forces in a case where subsection (1B) does not apply.”

Commencement Information

I8 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, art. 2(1)(2) (subject to art. 2(3)-(6))

9 For section 9A(2) (discretionary deferral) there is substituted—

“(2) The attendance of a person in pursuance of a summons shall not be deferred under subsection (1) or (1A) above if subsection (2A) or (2B) below applies.”

Commencement Information

I9 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, art. 2(1)(2) (subject to art. 2(3)-(6))

10 After section 9A(2) (discretionary deferral) there is inserted—

“(2A) This subsection applies where a deferral of the attendance of the person in pursuance of the summons has previously been made or refused under subsection (1) above or has previously been made under subsection (1A) above.

(2B) This subsection applies where—

- (a) the person is a full-time serving member of Her Majesty’s naval, military or air forces, and
- (b) in addition to certifying to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty, that member’s commanding officer certifies that this position is likely to remain for any period specified for the purpose of this subsection in guidance issued under section 9AA of this Act.”

Commencement Information

I10 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, art. 2(1)(2) (subject to art. 2(3)-(6))

11 In section 9A(3) (discretionary deferral) after “above” there is inserted “ or any failure by the appropriate officer to defer his attendance as required by subsection (1A) above ”.

Commencement Information

I11 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, art. 2(1)(2) (subject to art. 2(3)-(6))

12 After section 9A (discretionary deferral) there is inserted—

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“9AA Requirement to issue guidance

- (1) The Lord Chancellor shall issue guidance as to the manner in which the functions of the appropriate officer under sections 9 and 9A of this Act are to be exercised.
- (2) The Lord Chancellor shall—
 - (a) lay before each House of Parliament the guidance, and any revised guidance, issued under this section, and
 - (b) arrange for the guidance, or revised guidance, to be published in a manner which he considers appropriate.”

Commencement Information

I12 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

- 13 In section 19 (payment for jury service), after subsection (1) there is inserted—
- “(1A) The reference in subsection (1) above to payments by way of allowance for subsistence includes a reference to vouchers and other benefits which may be used to pay for subsistence, whether or not their use is subject to any limitations.”

Commencement Information

I13 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

- 14 In section 20 (offences), for subsection (5)(d) there is substituted—
- “(d) knowing that he is disqualified under Part 2 of Schedule 1 to this Act, serves on a jury;”

Commencement Information

I14 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

- 15 For Schedule 1 (ineligibility and disqualification for and excusal from jury service) there is substituted—

“SCHEDULE 1

MENTALLY DISORDERED PERSONS AND PERSONS DISQUALIFIED FOR JURY SERVICE

PART 1

MENTALLY DISORDERED PERSONS

- 1 A person who suffers or has suffered from mental illness, psychopathic disorder, mental handicap or severe mental handicap and on account of that condition either—
- (a) is resident in a hospital or similar institution; or

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- (b) regularly attends for treatment by a medical practitioner.
- 2 A person for the time being under guardianship under section 7 of the Mental Health Act 1983.
- 3 A person who, under Part 7 of that Act, has been determined by a judge to be incapable, by reason of mental disorder, of managing and administering his property and affairs.
- 4 (1) In this Part of this Schedule—
- (a) “mental handicap” means a state of arrested or incomplete development of mind (not amounting to severe mental handicap) which includes significant impairment of intelligence and social functioning;
 - (b) “severe mental handicap” means a state of arrested or incomplete development of mind which includes severe impairment of intelligence and social functioning;
 - (c) other expressions are to be construed in accordance with the Mental Health Act 1983.
- (2) For the purposes of this Part a person is to be treated as being under guardianship under section 7 of the Mental Health Act 1983 at any time while he is subject to guardianship pursuant to an order under section 116A(2)(b) of the Army Act 1955, section 116A(2)(b) of the Air Force Act 1955 or section 63A(2)(b) of the Naval Discipline Act 1957.

PART 2

PERSONS DISQUALIFIED

- 5 A person who is on bail in criminal proceedings (within the meaning of the Bail Act 1976).
- 6 A person who has at any time been sentenced in the United Kingdom, the Channel Islands or the Isle of Man—
- (a) to imprisonment for life, detention for life or custody for life,
 - (b) to detention during her Majesty’s pleasure or during the pleasure of the Secretary of State,
 - (c) to imprisonment for public protection or detention for public protection,
 - (d) to an extended sentence under section 227 or 228 of the Criminal Justice Act 2003 or section 210A of the Criminal Procedure (Scotland) Act 1995, or
 - (e) to a term of imprisonment of five years or more or a term of detention of five years or more.
- 7 A person who at any time in the last ten years has—
- (a) in the United Kingdom, the Channel Islands or the Isle of Man—
 - (i) served any part of a sentence of imprisonment or a sentence of detention, or
 - (ii) had passed on him a suspended sentence of imprisonment or had made in respect of him a suspended order for detention,

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- (b) in England and Wales, had made in respect of him a community order under section 177 of the Criminal Justice Act 2003, a community rehabilitation order, a community punishment order, a community punishment and rehabilitation order, a drug treatment and testing order or a drug abstinence order, or
 - (c) had made in respect of him any corresponding order under the law of Scotland, Northern Ireland, the Isle of Man or any of the Channel Islands.
- 8 For the purposes of this Part of this Schedule—
- (a) a sentence passed by a court-martial is to be treated as having been passed in the United Kingdom, and
 - (b) a person is sentenced to a term of detention if, but only if—
 - (i) a court passes on him, or makes in respect of him on conviction, any sentence or order which requires him to be detained in custody for any period, and
 - (ii) the sentence or order is available only in respect of offenders below a certain age,
 and any reference to serving a sentence of detention is to be construed accordingly.”

Commencement Information

I15 Sch. 33 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to **art. 2(3)-(6)**)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)
- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))

- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)