



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 3

COURTS AND TRIBUNALS

Juries and members of the Court Martial

74 Disclosing jury's deliberations

(1) In the Juries Act 1974, after section 20C insert—

“20D Offence: disclosing jury's deliberations

- (1) It is an offence for a person intentionally—
- (a) to disclose information about statements made, opinions expressed, arguments advanced or votes cast by members of a jury in the course of their deliberations in proceedings before a court, or
 - (b) to solicit or obtain such information,
- subject to the exceptions in sections 20E to 20G.
- (2) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (3) Proceedings for an offence under this section may not be instituted except by or with the consent of the Attorney General.

20E Offence of disclosing jury's deliberations: initial exceptions

- (1) It is not an offence under section 20D for a person to disclose information in the proceedings mentioned in section 20D(1) for the purposes of enabling the jury to arrive at their verdict or in connection with the delivery of that verdict.

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- (2) It is not an offence under section 20D for the judge dealing with those proceedings to disclose information—
- (a) for the purposes of dealing with the case, or
 - (b) for the purposes of an investigation by a relevant investigator into whether an offence or contempt of court has been committed by or in relation to a juror in the proceedings mentioned in section 20D(1).
- (3) It is not an offence under section 20D for a person who reasonably believes that a disclosure described in subsection (2)(b) has been made to disclose information for the purposes of the investigation.
- (4) It is not an offence under section 20D to publish information disclosed as described in subsection (1) or (2)(a) in the proceedings mentioned in section 20D(1).
- (5) In this section—
- “publish” means make available to the public or a section of the public;
- “relevant investigator” means—
- (a) a police force;
 - (b) the Attorney General;
 - (c) any other person or class of person specified by the Lord Chancellor for the purposes of this section by regulations made by statutory instrument.
- (6) The Lord Chancellor must obtain the consent of the Lord Chief Justice before making regulations under this section.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

20F Offence of disclosing jury's deliberations: further exceptions

- (1) It is not an offence under section 20D for a person to disclose information to a person listed in subsection (2) if—
- (a) the disclosure is made after the jury in the proceedings mentioned in section 20D(1) has been discharged, and
 - (b) the person making the disclosure reasonably believes that—
 - (i) an offence or contempt of court has been, or may have been, committed by or in relation to a juror in connection with those proceedings, or
 - (ii) conduct of a juror in connection with those proceedings may provide grounds for an appeal against conviction or sentence.
- (2) Those persons are—
- (a) a member of a police force;
 - (b) a judge of the Court of Appeal;
 - (c) the registrar of criminal appeals;
 - (d) a judge of the court where the proceedings mentioned in section 20D(1) took place;

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- (e) a member of staff of that court who would reasonably be expected to disclose the information only to a person mentioned in paragraphs (b) to (d).
- (3) It is not an offence under section 20D for a member of a police force to disclose information for the purposes of obtaining assistance in deciding whether to submit the information to a judge of the Court of Appeal or the registrar of criminal appeals, provided that the disclosure does not involve publishing the information.
- (4) It is not an offence under section 20D for a judge of the Court of Appeal or the registrar of criminal appeals to disclose information for the purposes of an investigation by a relevant investigator into—
 - (a) whether an offence or contempt of court has been committed by or in relation to a juror in connection with the proceedings mentioned in section 20D(1), or
 - (b) whether conduct of a juror in connection with those proceedings may provide grounds for an appeal against conviction or sentence.
- (5) It is not an offence under section 20D for a judge of the Court of Appeal or the registrar of criminal appeals to disclose information for the purposes of enabling or assisting—
 - (a) a person who was the defendant in the proceedings mentioned in section 20D(1), or
 - (b) a legal representative of such a person,to consider whether conduct of a juror in connection with those proceedings may provide grounds for an appeal against conviction or sentence.
- (6) It is not an offence under section 20D for a person who reasonably believes that a disclosure described in subsection (4) or (5) has been made to disclose information for the purposes of the investigation or consideration in question.
- (7) It is not an offence under section 20D for a person to disclose information in evidence in—
 - (a) proceedings for an offence or contempt of court alleged to have been committed by or in relation to a juror in connection with the proceedings mentioned in section 20D(1),
 - (b) proceedings on an appeal, or an application for leave to appeal, against a decision in the proceedings mentioned in section 20D(1) where an allegation relating to conduct of or in relation to a juror forms part of the grounds of appeal, or
 - (c) proceedings on any further appeal or reference arising out of proceedings mentioned in paragraph (a) or (b).
- (8) It is not an offence under section 20D for a person to disclose information in the course of taking reasonable steps to prepare for proceedings described in subsection (7)(a) to (c).
- (9) It is not an offence under section 20D to publish information disclosed as described in subsection (7).
- (10) In this section—
 - “publish” means make available to the public or a section of the public;

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“relevant investigator” means—

- (a) a police force;
- (b) the Attorney General;
- (c) the Criminal Cases Review Commission;
- (d) the Crown Prosecution Service;
- (e) any other person or class of person specified by the Lord Chancellor for the purposes of this section by regulations made by statutory instrument.

- (11) The Lord Chancellor must obtain the consent of the Lord Chief Justice before making regulations under this section.
- (12) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

20G Offence of disclosing jury's deliberations: exceptions for soliciting disclosures or obtaining information

- (1) It is not an offence under section 20D to solicit a disclosure described in section 20E(1) to (4) or section 20F(1) to (9).
- (2) It is not an offence under section 20D to obtain information—
 - (a) by means of a disclosure described in section 20E(1) to (4) or section 20F(1) to (9), or
 - (b) from a document that is available to the public or a section of the public.”
- (2) In the Contempt of Court Act 1981, as it extends to England and Wales, section 8 (confidentiality of jury's deliberations) is repealed.
- (3) In section 8(1) of that Act, as it extends to Scotland and Northern Ireland, at the beginning insert “ In Scotland and Northern Ireland, ”.
- (4) In the heading of that section, at the end insert “ : Scotland and Northern Ireland ”.

Commencement Information

II S. 74 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 59 (with Sch. 2 para. 4(a))

Changes to legislation:

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