

PRESS RELEASE
Embargoed until Thursday 29th May 2008 at 00.01



Widening the Jury Pool
Increasing Participation in the Criminal Justice System

The Northern Ireland Court Service is seeking views on potentially significant changes to the law in respect of jury service in Northern Ireland. The proposals are designed to widen the jury pool in order that juries can be more truly representative of society in Northern Ireland, thereby improving confidence in the justice system as a whole.

They come on foot of the Justice and Security (Northern Ireland) Act 2007 which was a significant milestone in the return of normality to Northern Ireland with the abolition of Diplock courts and a number of important reforms to the jury system. During the passage of that legislation, Government gave a commitment to consider the question of juror eligibility in Northern Ireland.

It is proposed that, by and large, no-one should automatically be ineligible or excusable from jury service simply because of his or her job, unless there is good reason.

The current system of specifying categories of people as disqualified or excusable as of right from jury service would therefore be replaced, with some exceptions, by a system of discretionary deferral or excusal. Under the new system, any person called for jury service could apply to have his or her service deferred or excused and all such applications would be assessed fairly and consistently against published criteria and guidelines.

The Minister for the Northern Ireland Court Service, the Rt Hon. David Hanson MP, commented:

“Everyone has something unique to bring to a jury – his or her own experiences and knowledge. Expanding the pool of potential jurors will ensure that juries are not deprived of the broad range of skills and experience to be found in the community”.

“When a jury reaches a verdict, it is not only making a decision that affects the individual defendant, it is also making a decision that affects society at large. It is for this reason that the Government regards jury service as one of the most important civic duties that anyone can be asked to perform. Few decisions made by members of the public have such an impact as a jury’s verdict”.

“I welcome the proposals and I would urge all with an interest to contribute to this important consultation”.

ENDS

NOTES TO EDITORS

1. David Hanson MP is the Minister of State at the UK Ministry of Justice. He was appointed to the Ministry of Justice in May 2007 and has responsibility for the courts in Northern Ireland. He also has ministerial responsibility for prisons and penal policy in England and Wales.

2. The consultation opens today and closes on 4th September 2008.

3. Under the Juries (Northern Ireland) Order 1996 (“the 1996 Order”), the following categories of person are presently ineligible for jury service: persons concerned with the administration of justice (including members of the judiciary, members of the legal profession, public prosecutors, prison officers, probation officers, police officers and staff and court staff); the Forces; persons suffering from a mental disorder; and persons unable to understand English. In general, it is intended to change the present legislation so that all these categories of person – with the exception of those with a mental disorder and those without sufficient understanding of the English language – will become eligible. We have, however, asked specific consultation questions as to whether public prosecutors, PSNI officers and staff, and members of the judiciary should be eligible to sit on juries, and whether it would be helpful to have a further consultation exercise on the specific issue of persons with a mental disorder and those unable to understand English.

4. Under the 1996 Order, the following categories of person are excusable as of right from jury service: peers and MPs; members, officers and servants of the Northern Ireland Assembly; members of the Scottish Parliament; members of the Scottish Executive; Junior Scottish Ministers; MEPs; public officials (including senior civil servants); clergy; professions (including teachers, doctors, dentists, nurses, vets and pharmacists); and persons aged between 65 and 70 years. Under the proposals, all of these categories would cease to be excusable as of right. We have asked specific consultation questions as to whether persons aged between 65 and 70 should be eligible for jury service, and whether the upper age limit of 70 should be extended.

5. Under the proposed new system, persons summoned for jury service would be able to apply to the Juries Officer for discretionary deferral or excusal. Juries Officers would assess each case individually, but sympathetically, fairly and consistently against criteria which would form part of published guidelines. Draft guidelines are included in the consultation

document.

6. Under the 1996 Order, persons with a criminal record who have received particular types of sentence are disqualified from jury service. The consultation paper also asks whether the periods of disqualification from jury service should be revised so as to correspond with the rehabilitation periods under the Rehabilitation of Offenders (Northern Ireland) Order 1978. It also asks whether persons convicted of certain types of offence should be precluded from serving on the jury in the trial of a similar offence.

7. The Justice and Security (Northern Ireland) Act 2007 ended the Diplock court system and made reforms to the jury system that were designed to achieve greater anonymity for jurors and promote greater randomness in jury selection. Specifically, the Act created an offence prohibiting the unlawful disclosure of juror information, and also removed the defence right of peremptory challenge (the right to challenge up to twelve jurors without giving reason), and imposed significant restrictions on the prosecution right of stand-by (the right to challenge a juror without giving reason). During the consultation on this Act, the Government gave a commitment to consult at a later date on proposals to widen the jury pool.

8. A full copy of the consultation document will be available on the N I Court Service website www.courtsni.gov.uk

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