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Northern Ireland Court Service

Widening the Jury Pool

Increasing Participation in the Criminal Justice System

May 2008

Northern Ireland Court Service
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Foreword

**by The Rt Hon. David Hanson MP,
Minister of State**

This consultation paper provides an opportunity for everyone in Northern Ireland to get involved in the debate on who should serve as jurors in our courts.

We have seen many changes to the criminal justice system in Northern Ireland over recent years. The Justice and Security (Northern Ireland) Act 2007, marked a significant milestone in the return to normality with the abolition of ‘Diplock’ (non-jury) courts and a number of important reforms of the jury system. During the development of that legislation, Government gave a commitment to consider the question of juror eligibility in Northern Ireland. I believe the time is now right for this to be taken forward.

Currently, there is a wide range of people who are ineligible for jury service or who have a right to be excused from jury service by virtue of their profession. The result is that juries are not truly representative of society as a whole.

This consultation paper seeks views on a proposal that no-one should be automatically ineligible or excusable from jury service simply because of their job, except where there is a demonstrable and sound reason for such an exclusion. Everyone has something unique – their own experiences and knowledge – to bring to a jury. Expanding the pool of potential jurors to include some or all of these groups will ensure that juries better reflect the community from which they are drawn, and will improve confidence in the justice system as a whole.

When a jury reaches a verdict, they are not only making a decision that affects the individual defendant, they are 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.



However, while it is vitally important that people undertake this public duty, the Government recognises that jury service also affects the lives of those summoned as jurors. It is therefore proposed that there should be a new robust system of discretionary deferral and excusal from jury service, governed by the application of detailed guidance. A draft of the proposed guidance is included in this paper and forms part of the consultation.

I welcome the proposals to widen the jury pool in Northern Ireland, together with the draft guidance on discretionary deferral and excusal and I would urge all with an interest to contribute to this important consultation.

A handwritten signature in black ink, appearing to read 'David Hanson', written in a cursive style.

The Rt Hon. David Hanson MP
Minister of State, Ministry of Justice

Introduction

1.1 This consultation paper seeks views on allowing more people to have an opportunity to serve on juries. It is proposed to significantly reduce the categories of people who are automatically ineligible or excusable from jury service by virtue of their occupation, and to replace this with a robust system of discretionary deferral and excusal which would apply to any person called for jury service. It is not proposed to remove those categories of person who are currently disqualified for jury service by reason of their criminal record, although some consideration is given to whether the disqualification criteria should be refined.

1.2 The proposals in this paper largely reflect the reforms made to the jury system in England and Wales (which have been in operation since April 2004), but also take into account the particular circumstances of Northern Ireland.

1.3 The paper also seeks views in relation to the draft guidance, a copy of which is included, which will be applied by Juries Officers when exercising their discretion to defer or excuse a person summoned for jury service.

Consultation

1.4 The Northern Ireland Court Service will be writing to political parties, relevant local authority organisations and a wide variety of other organisations with an interest in the criminal justice system in Northern Ireland to notify them about this consultation exercise. A copy of this document is also available on the Northern Ireland Court Service website www.courtsni.gov.uk.

1.5 The Minister welcomes responses from organisations and individuals. A number of questions are posed throughout the consultation paper and we would be particularly grateful for views on these. An equality screening exercise and an impact assessment were carried out for these proposals and we would be grateful for comments on these.

1.6 This consultation is being carried out in accordance with the Cabinet Office Code of Practice on Consultation. This Code of Practice stipulates that the following six consultation criteria must be reproduced with any consultation document:

- i. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
- ii. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
- iii. Ensure that your consultation is clear, concise and widely accessible.
- iv. Give feedback regarding the responses received and how the consultation process influenced the policy.
- v. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
- vi. Ensure your consultation follows better regulation best practice, including carrying out an impact assessment if appropriate.

1.7 Please respond by **4th September 2008** to:

Email: communicationsgroup@courtsni.gov.uk

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Background

Jury service in Northern Ireland

2.1 Juries fulfil a very important function in the criminal justice system. In the Crown Court, jurors hear the more serious criminal cases such as theft, burglary, and drugs cases. They may also hear cases involving murder and rape, although these types of cases are less common. There are 12 jurors in a Crown Court jury. Their task is to consider the evidence presented throughout the trial and then reach a verdict of 'guilty' or 'not guilty' based on that evidence.

2.2 There are also some civil cases where a jury may be required to serve, though this does not happen often. Jurors might also be needed to serve in a coroner's court.

2.3 The statutory arrangements for the selection and summoning of juries are contained in the Juries (Northern Ireland) Order 1996 ("the 1996 Order"), and the Juries Regulations (Northern Ireland) 1996.

Selection of Jurors

2.4 Jurors are chosen at random from the electoral register. Each year a list of potential jurors is generated by computer and is sent by the Chief Electoral Officer to the Northern Ireland Court Service Juries Officer.

2.5 The Juries Officer then serves notice on every person whose name appears on the list. After considering information given in reply to the notices, the Juries Officer removes from the list the names of those people who have correctly declared themselves to be disqualified or ineligible to serve and those who are entitled but wish to be excused (see paragraph 2.9 below). A sufficient number of jurors are then selected from the revised list to prepare a panel.

2.6 Before summoning the panel, staff in the Northern Ireland Court Service carry out a criminal record check and remove the names of any person disqualified from serving as a juror by virtue of a criminal conviction. These criminal record checks are carried out centrally at the Juror Management Centre by staff who have access to the Criminal Records System. This means that potential jurors' criminal records may be checked without reference to the police or any other agency. Records are

checked using jurors' dates of birth and national insurance numbers to ensure accuracy, and with strict reference to the disqualification criteria set out in the 1996 Order.

2.7 Those people whose names remain on the panel are summoned to attend court as jurors.

2.8 At court, the jury is selected by ballot using numbers rather than jurors' names. At this point the prosecution and the defence have the opportunity to challenge each juror for cause. Occasionally the prosecution may ask that a juror be 'stood by', where no reason is given. The first 12 jurors who are not challenged or excused by the court will form the jury.

Qualification for jury service: current position

2.9 The general principle is that every person who is aged between 18 and 70 and is registered as an elector is qualified and liable for jury service. The 1996 Order, however, sets out three categories of person who may not serve as jurors or who may be excused from jury service. They are –

- **Persons disqualified for jury service by virtue of having been previously convicted of a criminal offence** and received a specified sentence;
- **Persons ineligible for jury service**, which includes persons concerned with the administration of justice, the armed forces, persons suffering from mental disorder and persons unable to understand the English language; and
- **Persons excusable from jury service as of right**, which includes people aged between 65 and 70, Members of Parliament and the Northern Ireland Assembly, certain public officials, clergy, teachers and those from medical and other similar professions. Persons excusable as of right have the choice whether or not to do jury service when summoned, providing that they can show that they fall within this category.

2.10 Each of the above categories is considered in more detail in the chapters which follow.

Why the need for change?

2.11 Last year in Northern Ireland out of nearly 40,000 people who were issued with a notice advising them that they may be called for jury service, over one quarter claimed that they fell within one of the statutory categories making them disqualified, ineligible or excusable as of right from serving on a jury.

2.12 The exemption and excusal categories had their origins in the recommendations of the Morris Committee in 1965, which concluded that requiring members of certain occupations to serve on juries would be against the public interest. However, the Morris Committee itself acknowledged that it is extremely difficult to draw a line between those whose work is and is not so crucial that a judgement can be made in advance of any knowledge of the individual circumstances involved.

2.13 The current structure is also complex and may encourage an overly mechanistic approach at the expense of considering the merits of individual cases.

2.14 In his **Review of the Criminal Courts in England and Wales (2001)** (Chapter 5, paragraph 11), Lord Justice Auld noted that most juries do not reflect the broad range of skills and experience of the communities from which they are drawn. Jury service may be an important incident of citizenship, but many do not qualify for this civic privilege and duty. Many who do qualify do not regard it as a privilege and do their best to avoid it. If the jury is to fulfil its valued role of giving the community a say in the administration of justice, it should reflect the cross-section of society better than it currently does.

2.15 He argued that most of the exclusions from jury service deprive juries of the experience and skills of a wide range of professional and otherwise successful and busy people. Such exclusions create the impression that jury service is only for those not important or clever enough to get out of it. It was recommended that no-one should be automatically ineligible for or excusable from jury service simply because they are a member of a certain profession or hold a particular office or job. Where the demands of the office or job are such as to make jury service difficult for them during the period covered by the jury summons, a person should be subject to the same regime as the self-employed or ordinary wage-earners or others for whom jury service is also costly and burdensome - that is discretionary excusal or deferral.

2.16 The Government responded to Lord Justice Auld's report in its White Paper, **Justice for All (2002)**, stating "we believe that all members of the community have a responsibility and a duty to carry out jury service, making a contribution to the process of justice, if they possibly can". In England and Wales, the Criminal Justice Act 2003 abolished the categories of ineligibility for, and excusal as of right from, jury service (except in the case of mentally disordered persons). Anyone summoned as a juror in England and Wales is now required to apply for excusal or deferral, showing 'good reason' why they should not serve as summoned.

2.17 These arguments for change are equally relevant in Northern Ireland. In addition, Lord Carlile (the Independent Reviewer of the Terrorism Act 2000) argued that widening the jury pool to include the hitherto excluded groups in Northern Ireland would dilute the risk of perverse verdicts, and that a jury randomly selected from the community as a whole would be desirable.

2.18 The issue of widening the jury pool was raised in the consultation paper on **Replacement Arrangements for the Diplock Court System (August 2006)**. A number of the respondents to that consultation exercise argued in favour of widening the jury pool.

2.19 At that time, it was considered appropriate to defer this work until after the Diplock related reforms had been implemented and bedded in, although Government gave a commitment to look at the issue in due course.

2.20 We therefore seek views on whether the time is now right to bring forward changes to the eligibility criteria for jurors in Northern Ireland.

Consultation Question 1: Do you agree that the time is now right to widen the jury pool in Northern Ireland?

Persons disqualified for jury service

Current Position

3.1 As stated above, the general rule is that if a person is aged between 18 and 70 and is registered to vote, this person is qualified for jury service. However, there is provision in the 1996 Order for the disqualification of persons with a criminal record who have received particular types of sentence. It provides that a person will be disqualified for jury service if –

- they have at any time been convicted by a court in the United Kingdom, Channel Islands or Isle of Man and sentenced:
 - (a) to imprisonment for life or for a term of five years or more; or
 - (b) to be detained at Her Majesty's pleasure or the pleasure of the Secretary of State.

- they have, in the last 10 years, in the United Kingdom, Channel Islands or Isle of Man –
 - (a) served any part of a sentence of imprisonment or detention; or
 - (b) been detained in a young offenders centre;
 - (c) had passed on them or made in respect of them a suspended sentence of imprisonment or order for detention; or
 - (d) had made in respect of them a community service order.

- they have, in the last five years, in the United Kingdom, Channel Islands or Isle of Man, been placed on probation.

3.2 In addition, Article 3(4) of the 1996 Order provides that any person who is on bail in connection with an offence shall not be qualified for jury service in the Crown Court.

Acquittals and Appeals

3.3 One of the respondents to the consultation on the Replacement for Diplock Courts raised an issue in relation to persons who, having been convicted of an offence, are subsequently acquitted on appeal and what effect this would have on their ability to sit as a juror.

3.4 The present practice is that those who are convicted of an offence and who are subsequently acquitted are treated as if they were never convicted of the offence in the first place. They are therefore not disqualified for jury service, unless they have other criminal convictions which would disqualify them. Their original conviction and sentence is not taken into account when their criminal record is being considered against the disqualification criteria.

3.5 In addition to overturning a conviction, an appeal court can alter sentences imposed by a lower court. An appeal court can either increase or decrease a sentence. Those persons who have their sentences altered by an appeal court are treated, for the purposes of the criminal record disqualification checks, as having received the sentence imposed by the appeal court and the sentence of the lower court is disregarded.

Proposals for change in relation to disqualification criteria

3.6 The disqualification criteria broadly reflect the criteria which apply in England and Wales. However, we seek views on the following:

Rehabilitation of offenders

3.7 The Rehabilitation of Offenders (Northern Ireland) Order 1978 provides that certain convictions will become 'spent' following a specified period of time provided that the offender has not been subsequently convicted of a further offence. The length of the rehabilitation period varies depending on the type of sentence imposed. Once a conviction becomes spent, it does not normally need to be disclosed, although there are a number of exceptions.

3.8 The rehabilitation periods are similar, but not identical to, the disqualification periods for jury service. As a result, it is possible that a person may still be disqualified for jury service albeit that the conviction has become spent. Conversely, there are a number of penalties where a person would not be disqualified for jury service notwithstanding that they are still subject to a period of rehabilitation. A comparison of the two frameworks is set out in the following table.

Type of sentence imposed*	Rehabilitation period	Period of disqualification for jury service
Imprisonment for life or detention during the pleasure of the Secretary of State	Excluded from rehabilitation provisions	Permanently disqualified for jury service
Imprisonment or detention for a term exceeding 30 months (<i>whether or not suspended</i>)	Excluded from rehabilitation provisions	(i) Permanently disqualified for jury service, if imprisonment for 5 years or more (ii) Disqualified for jury service for 10 years, if imprisonment for less than 5 years
Imprisonment or detention for a term exceeding 6 months but not exceeding 30 months (<i>whether or not suspended</i>)	10 years (<i>or 5 years if under 18 years</i>)	10 years
Imprisonment or detention for a term not exceeding 6 months (<i>whether or not suspended</i>)	7 years (<i>or 3½ years if under 18 years</i>)	10 years
Community Service Order	5 years	10 years
Probation Order	1 year from conviction or a period from the date of conviction until the order ceases to have effect, whichever is longer.	5 years
Bound over to keep the peace and/or be of good behaviour	1 year from conviction or a period from the date of conviction until the order ceases to have effect, whichever is longer.	Not disqualified for jury service
Conditional discharge	1 year from conviction or a period from the date of conviction until the order ceases to have effect, whichever is longer.	Not disqualified for jury service
Absolute discharge	6 months	Not disqualified for jury service
Fine or other sentence	5 years	Not disqualified for jury service

*This is not a complete list of sentences prescribed in the Rehabilitation of Offenders (Northern Ireland) Order 1978

3.9 We seek views on whether the disqualification periods as currently prescribed in the 1996 Order are appropriate.

Consultation Question 2: Should the disqualification periods under the Juries (Northern Ireland) Order 1996 be aligned with the rehabilitation periods under the Rehabilitation of Offenders (Northern Ireland) Order 1978?

Similar Crimes

3.10 A further suggestion which arose in the context of the earlier consultation exercise was that persons with a previous conviction for certain types of offence (for example sexual offences or drug-related offences) should be precluded from sitting on a jury in the trial of similar offences, notwithstanding that they are not disqualified for jury service.

3.11 While this might appear attractive on the face of it, the proposition does raise a number of issues -

- vetting jurors for particular trials could interfere with the principle of random selection of jurors, and could present procedural difficulties as normally it is only once the jury is sworn that it becomes clear which jurors will be serving, and on which trial. To carry out further vetting at this point would add undesirable delay into the trial process, but to investigate all jurors before this point could be seen as intrusive;
- if a person has previous convictions which do not result in disqualification from jury service, is it then appropriate to apply more stringent criteria in relation to certain classes of trial which implies that this person is suitable to be a juror in some cases but not others?
- if jurors are to be vetted to ensure that they do not have a history of similar types of offences, then other questions arise: would only previous convictions be relevant, or should cautions also be considered?

3.12 We would welcome views on whether the existing disqualification criteria are adequate or whether they should be amended to allow for further vetting of potential jurors in certain classes of case.

Consultation Question 3: Do you agree that the disqualification criteria currently set out in the Juries (Northern Ireland) Order 1996 are adequate, or should additional provision be taken to allow for further vetting of potential jurors in certain classes of case?

Persons ineligible for jury service

Current Position

4.1 Schedule 2 to the 1996 Order sets out the list of persons who are currently ineligible for jury service. This list, which is set out in full at **Annex A** to this consultation paper, includes –

- persons concerned with the administration of justice e.g. judiciary, barristers, solicitors, police officers, prison officers, Public Prosecution Service staff, probation officers and members of the Northern Ireland Court Service;
- the armed forces i.e. persons serving on full pay as members of any naval, military or air forces of the Crown raised in the United Kingdom;
- persons suffering from a mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986; and
- persons unable to understand the English language.

Inclusion of ineligible groups

(i) Persons concerned with the administration of justice

4.2 As indicated above, the premise of this paper is that no-one should be automatically ineligible or excusable from jury service simply because he or she is a member of a certain profession or holds a particular job. However, a number of arguments have been made as to why persons who practice law or are concerned with the business of the courts or otherwise involved in the administration of justice should be ineligible for jury service.

4.3 The Morris Committee considered that such persons' specialist knowledge and the prestige attached to their occupations, would enable them unduly to influence their fellow jurors. For that reason, it recommended a considerable widening of the categories of ineligibility; and the Runciman Royal Commission, reporting in 1993, recommended no change. More recently, however, Lord Justice Auld argued that people no longer defer to professionals or those holding particular office in the way they used to do.

4.4 A further commonly voiced objection to removing the ineligibility of all or most of those connected with the courts and the wider administration of justice is that they would be able to deduce from the lack of reference to a defendant's good character that they have previous convictions. Lord Justice Auld dismissed this concern as unreal, arguing that it is widely known that a defendant is entitled to keep quiet in court about their past if it is bad, and to make much of it if it is good.

4.5 It is also suggested that those closely connected with the criminal justice system would not approach the case with the same openness of mind as someone unconnected with the legal system. There is, however, no evidence that the risk of prejudice of that sort should be any greater than in the case of others who are not excluded from juries and who are trusted to put aside any prejudices that they may have (e.g. a shop-keeper or house owner who had been burgled, or car owners whose cars had been vandalised). Lord Justice Auld concluded that it would be for the judge to be satisfied that the potential juror in question was not likely to engender any reasonable suspicion or apprehension of bias so as to be distinguished from other members of the public who would normally be expected to have an interest in upholding the law. Provided the judge was so satisfied, the overall fairness of the trial should not be at risk.

4.6 In England and Wales, there have been a number of challenges arising as a result of the Criminal Justice Act 2003, relating to eligibility for jury service e.g. challenging the fairness of the process where a jury has included a Crown prosecutor/case-worker or a police officer.

4.7 In October 2007, the House of Lords delivered judgment in the cases of **R v Abdroikof, Williamson and Green (Conjoined Appeals) [2007] UKHL 37**. In this case, the House of Lords held that a fair minded and informed observer would conclude that there was a real possibility that the trial jury was biased where a juror was -

- a full time, salaried, long-serving employee of the prosecutor, or
- a police officer who shared the same local service background as the police officer victim of the alleged offence.

The judgment of the Lords also held that where there was -

- no particular link between the court and the station where the police juror served;
or
- no conflict of evidence between a police witness and a defendant,
the presence of a police officer did not give rise to a possibility of bias.

Prosecutors as jurors

4.8 The effect of the House of Lords judgment in **Abdroikof and others** is that convictions may be unsafe where a member of the jury was an employee of the Crown Prosecution Service (CPS) and the trial was conducted by the CPS. Lord Bingham said:

“It is in my opinion clear that justice is not seen to be done if one discharging the very important neutral role of juror is a full time, salaried, long-serving employee of the prosecutor.”

No issue of perceived bias arises where a CPS employee sits as a juror on a trial conducted by a different prosecuting authority – for example the Serious Fraud Office or Her Majesty’s Revenue and Customs. This means that an employee of a prosecuting authority is still a good juror and should be eligible for jury service, so long as they do not sit on a trial which their employing department is prosecuting.

4.9 We consider that guidance on deferral or excusal for those who are called for jury service would ensure that those who are employed by the prosecuting authority do not sit as jurors on those trials. We would also propose to liaise with the Departments and Agencies who have the power to conduct prosecutions in the Crown Court to suggest that they issue guidance to their staff on the procedure to be followed when a member of staff receives a summons for jury service.

Police Officers as jurors

4.10 The effect of the House of Lords judgment in relation to police officers is less clear. The House of Lords held that a police officer who shares the same local service background as a police officer who is a victim or a witness in a case should not sit on the jury. Given the small size of Northern Ireland, it may be difficult to draw a distinction on the basis of “local service background” in this jurisdiction. Notably, however, officers with the London Metropolitan Police Service (which is 4 times larger than the Police Service of Northern Ireland) are eligible for jury service in London courts, subject to guidance which states that a police officer should not attend for jury service at a court which is in the same operational policing area as that in which they are stationed.

4.11 Two out of five Law Lords also suggested that it may not be appropriate for a police officer to sit as a juror where there was a conflict of evidence between a defendant and a police officer. Lord Bingham said –

“...the instinct (however unconscious) of a police officer on the jury to prefer the evidence of a brother officer to that of a drug-addicted defendant would be judged by the fair minded and informed observer to be a real and possible source of unfairness, beyond the reach of standard judicial warnings and directions. The...appellant was not tried by a tribunal which was and appeared to be impartial.”

4.12 It would often be very difficult to try to determine at the outset of a case, (i.e. when the jury is being sworn) whether or not the case being heard is a case in which there is likely to be a conflict of evidence between a police witness and a defendant. This could mean that if a police officer is sworn as a juror and such a conflict subsequently arises, arguments could be made that the police officer could be perceived to be biased in favour of their fellow officer. This could result in the jury having to be discharged, a possible re-trial, and delays in the criminal justice system.

4.13 Given the central role of the police within the investigative process, it may be considered that there are special reasons why PSNI officers should remain ineligible. These might include:

- The relatively small size of the jurisdiction (as compared with England and Wales);
- The fact that there is just one main police force for the entire jurisdiction (excluding smaller forces such as the Harbour and Airport Police);
- The observations of the House of Lords in the **Abdroikof and others** judgment;
- The practical difficulties in determining at a sufficiently early stage whether or not the trial is one which will involve a dispute in evidence between a police officer and a defendant.

4.14 Against this, however, it must be remembered that Lord Justice Auld saw no reason to automatically exclude police officers from jury service simply because of their occupation. Additionally, Lord Carlile, the Independent Reviewer of the Terrorism Act 2000, argued that the inclusion of excluded groups such as the police would make the jury pool more representative of society as a whole and would be another step towards normalisation in Northern Ireland.

4.15 We would welcome views as to whether or not police officers of the PSNI should be eligible for jury service, subject to the robust application of the guidelines on deferral and excusal. We would also welcome views as to whether or not it would be appropriate for a police officer to attend for jury service at a court in the same area as the District Command Unit in which they work.

4.16 Consideration also needs to be given to civilian staff of the PSNI, for example administrative support staff: Scenes of Crimes Officers etc. At present, civilian employees of the PSNI can be excused from jury service by the Juries Officer. We recommend that this situation should remain, and if a civilian member of PSNI receives a jury summons they should ask to be excused under paragraph 16 of the discretionary guidance which appears at **Annex C**. A civilian employee should only be excused where the Juries Officer is satisfied that, due to the nature of the person's work, it would be in the interests of justice for them to be excused.

4.17 Apart from the PSNI, there are a number of other smaller bodies whose staff may exercise the powers of a constable and who would currently be ineligible for jury service. These would include for example, the Harbour Police; the Airport Police; officers with the Serious Organised Crime Agency. In keeping with our overall policy, we consider that such persons should now be eligible for jury service. If it transpires that the case for which such a person is called for jury service is one in which their employing body is involved, then the person can be excused under paragraph 16 of the discretionary guidance which is at **Annex C**.

4.18 In the Court of Appeal in England and Wales, Judgment was delivered on the 14th March 2008 in a further five appeals (**R v Khan and Hanif; R v Lewthwaite; R v Khan; R v Cross; and R v Hill**). These appeals relate to cases where prison officers, CPS employees and a police officer sat as jurors. The Court of Appeal did not find an appearance of bias in any of these appeals. The Court took a different approach to the House of Lords in the **Abdroikof** case and drew a distinction between "partiality towards the case of one of the parties" and "partiality towards a witness". The Court of Appeal said:

"Where an impartial juror is shown to have had reason to favour a particular witness, this will not necessarily result in the quashing of a conviction."

The decision of the Court of Appeal in **Khan** is difficult to reconcile with the judgment of the Lords in **Abdroikof**. We are liaising with colleagues in England and Wales in order to ensure that the impact of these decisions is reflected in our final policy.

Judges as jurors

4.19 In relation to judges serving as jurors, Lord Justice Auld recognised the practical difficulty that the potential judge/juror may often know or be known to the trial judge or advocates or others involved in the trial. He suggested that this could be regarded as compromising their independence and/or, depending on their seniority, as inhibiting the judge or advocates in the conduct of their case. However, he was satisfied that such problems could be dealt with as they arise by discretionary excusal, rather than by a blanket ineligibility by reason of their occupation.

4.20 It should be remembered that judges by their very nature are independent and therefore the arguments in relation to perceived bias which were raised in relation to police officers or prosecutors in the **Abdroikof** case could not be made out in relation to judges who are independent judicial officers.

4.21 We recognise there may be particular concerns that because Northern Ireland is such a small jurisdiction, those who work in the criminal justice system will have a higher chance of knowing the judge or the lawyers involved with the case. We consider, however, that this issue can be addressed through the application of a robust system of discretionary deferral/excusal and the issue of appropriate guidance to those who may be called to serve as jurors.

(ii) The armed forces

4.22 It is also proposed that membership of the armed forces should not be an automatic bar to serving as a juror. We consider that full-time serving members of the armed forces who do not wish to do jury service will, like everyone else, have to apply and show good reason why they should not serve as summoned.

4.23 However, in order to recognise the particular role played by members of the armed forces, we would propose to take provision to allow a commanding officer to certify that a person's absence would be prejudicial to the efficiency of the service in question. Where such a certificate is lodged, it should be regarded as conclusive evidence of good reason for the purposes of deferral of jury service. If there has already been a deferral, or if the commanding officer certifies that absence would

be prejudicial for a specified period of time, then service personnel will be excused altogether. But that is without prejudice to the position should a further summons be issued on a future occasion.

Consultation Question 4: Do you consider that all of the occupations currently ineligible for jury service should be included within the jury pool?

Consultation Question 5: Do you consider that an employee of a prosecuting authority should be eligible to sit as a juror on trials in which their employing department is not the prosecutor?

Consultation Question 6: Do you consider that PSNI police officers should be eligible for jury service, subject to the robust application of the guidelines on deferral and excusal?

Consultation Question 7: If the answer to the previous question is 'yes', do you consider that a police officer should be precluded from attending for jury service at a court which is in the same area as the District Command Unit in which they work?

Consultation Question 8: Do you agree that civilian employees of PSNI and other persons exercising the powers of a constable should be eligible for jury service subject to the option of discretionary excusal where this would be in the interests of justice?

Consultation Question 9: Do you consider that members of the judiciary should be eligible for jury service?

Consultation Question 10: If the answer to the previous question is 'yes', do you consider that the excusals and deferrals policy is sufficiently robust to deal with the concerns that may arise (from members of the judiciary serving on a jury before a judge whom they may know, from counsel presenting the case who may have appeared before the judge, and where judges may be likely to know some of the professional witnesses)?

Consultation Question 11: Are there any additional groups which you consider should be ineligible for jury service and why?

(iii) Persons suffering from a mental disorder and persons unable to understand the English language

4.24 The inclusion of persons on a jury who may not easily be able to understand the proceedings raises very particular issues which we do not propose to consider within the scope of this consultation exercise.

Consultation Question 12: Do you think it would be helpful to have a consultation exercise on the specific issue of jury service by those with a mental disorder or who are unable to understand English?

Persons excusable from jury service as of right

Current Position

5.1 In addition to persons ineligible for jury service, Schedule 3 to the 1996 Order sets out the list of persons who are currently excusable from jury service as of right. Persons excusable as of right have the choice whether or not to do jury service when summoned. The list of those who are excusable as of right is set out in full at **Annex B** to this paper and includes –

- Members of Parliament, the European Parliament and the Northern Ireland Assembly;
- specified public officials;
- clergy;
- specified professions including teachers, medical practitioners, dentists, nurses, midwives, veterinary surgeons and pharmacists; and
- persons aged between 65 and 70 years.

Inclusion of persons excusable as of right

(i) Specified occupations

5.2 The occupations specified above reflect the reasoning and recommendations of the Morris Committee, that excusal as of right should be granted to an occupation where it is in the public interest because of the special and personal duties that it involves or because of the special and personal responsibilities of its individual members for the immediate relief of pain and suffering.

5.3 When he considered this issue, Lord Justice Auld acknowledged that there may be a good reason for excusing these people where it is vital that they are available to perform their important duties over the period covered by the summons. He concluded, however, that there was no reason why they should be entitled to excusal as of right simply by virtue of their position.

5.4 It is extremely difficult to draw a line between those whose work is and is not so crucial that it would be against the public interest to compel them to serve as jurors. However, invidious choices of that sort can be avoided, and jury selection strengthened, by replacing excusal as of right in such cases with discretionary excusal or deferral.

(ii) Persons aged between 65 and 70 years

5.5 In relation to persons aged between 65 and 70 years, it is suggested that the increasing number and better health of persons in that age group justify treating them as other potential jurors, namely, fit to serve unless they show otherwise. In that event, applications for excusal by persons over 65 on account of physical or mental fitness should be sympathetically considered.

Consultation Question 13: Do you consider that all of the occupations currently excusable from jury service as of right should be included within the jury pool?

Consultation Question 14: If not, which occupations do you consider should remain excusable as of right and why?

Consultation Question 15: Are there any additional groups which you consider should be excusable from jury service as of right and why?

Consultation Question 16: Do you agree that persons aged between 65 and 70 should be eligible for jury service, subject to the discretionary arrangements for excusal/deferral? If not, please provide reasons.

Consultation Question 17: Do you consider that the upper age limit for serving as a juror of 70 years should be extended?

Persons previously selected for jury service

5.6 In addition to all the categories identified above as being disqualified, ineligible or excusable as of right, the 1996 Order also provides that, when compiling the list of potential jurors each year, the Chief Electoral Officer shall not select the names of those electors who have been selected for jury service within a previous specified period – currently 15 years. In England and Wales, section 8 of the Juries Act 1974 provides that a person can be excused from jury service if they have attended to serve on a jury in the previous 2 years. We would welcome views as to what period should elapse before a person becomes liable for jury service again.

Consultation Question 18: If a person is selected for jury service, what period should elapse before they are liable to be selected again?

Discretionary deferral of or excusal from jury service

6.1 Persons who are not ineligible or excusable from jury service are still entitled to seek discretionary deferral or excusal.

6.2 A Juries Officer may excuse or defer the attendance of a person summoned for jury service if satisfied that there is a good reason for doing so. There is a right of appeal to the court in the event of refusal. At present, around 40% of those summoned for jury service are excused in advance of their attendance date. This figure is taken up in the main by those who are self-employed or in full-time employment, who can make out a case for economic or other hardship for themselves or others, and also by parents or carers who are unable to make alternative arrangements for their dependants.

6.3 If the existing categories of people who are ineligible or excusable as of right are removed, then it is envisaged that the number of requests for discretionary deferral or excusal will increase. In order to ease this extra administrative work which this will create, and to establish a consistent approach to dealing with such requests, it is proposed to issue guidance on how Juries Officers should deal with applications for discretionary deferral of or excusal from jury service.

6.4 Applications should be tested carefully according to the individual circumstances of each claim, otherwise there could be a reversion to the present widespread excusal of such persons by reason only of their positions or occupations.

6.5 A copy of the draft guidelines on discretionary deferral of or excusal from jury service is attached at **Annex C** and the key provisions are summarised below –

- Applications to be deferred or excused from jury service should be considered carefully, sympathetically and with regard to the individual circumstances of the applicant;
- Applications should be dealt with in a fair and consistent manner;
- Deferral should be considered in the first instance, and a person should be excused from jury service only in exceptional circumstances;
- Deferral, rather than excusal, should be granted for holidays;
- Applications for excusal for valid business reasons should only be granted if there would be unusual hardship e.g. a small business, but each case must be considered on its merits;

- In respect of applications from teachers or students during term time and exam periods, deferral should be considered in the first instance;
- In respect of applications on the grounds that jury service would conflict with important public duties, deferral should be considered in the first instance;
- Applications by the judiciary or those involved in the administration of justice on grounds that they may be known to a party or parties involved in the trial should normally be dealt with by deferral or moved to an alternative court where the deferral or excusal grounds may not exist. If this is not possible, then they should be excused;
- Applications for excusal on the grounds that a potential juror is an employee of a prosecuting agency should be dealt with by the Juries Officer who will find out if the court has any trials listed and not being prosecuted by the juror's employing department. If they have, the Juries Officer should allow them to serve on a jury in that trial. If not, they should be excused. If it only becomes apparent that a juror is an employee of a prosecuting authority once they attend court, then the same principles should apply;
- Applications for excusal on the grounds that jury service will conflict with work commitments should be deferred in the first instance unless excusal is clearly necessary;
- Applications for excusal on the grounds of a physical disability which would make jury service difficult to undertake, should be considered sympathetically.

We would welcome any comments in relation to the draft guidelines.

Consultation Question 19: Do you have any views on the draft guidelines on discretionary deferral of or excusal from jury service?

Consultation Question 20: Do the draft guidelines adequately balance the needs of those summoned with the need to have sufficient numbers of jurors available?

Questions for Consultation

7.1 We would welcome responses to the following questions set out in the consultation paper:

Q.1: Do you agree that the time is now right to widen the jury pool in Northern Ireland?

Q.2: Should the disqualification periods under the Juries (Northern Ireland) Order 1996 be aligned with the rehabilitation periods under the Rehabilitation of Offenders (Northern Ireland) Order 1978?

Q.3: Do you agree that the disqualification criteria currently set out in the Juries (Northern Ireland) Order 1996 are adequate or should additional provision be taken to allow for further vetting of potential jurors in certain classes of case?

Q.4: Do you consider that all the occupations currently ineligible for jury service should be included within the jury pool?

Q.5: Do you consider that an employee of a prosecuting authority should be eligible to sit as a juror on trials in which their employing department is not the prosecutor?

Q.6: Do you consider that PSNI police officers should be eligible for jury service, subject to the robust application of the guidelines on deferral and excusal?

Q.7: If the answer to the previous question is 'yes', do you consider that a police officer should be precluded from attending for jury service at a court which is in the same area as the District Command Unit in which they work?

Q.8: Do you agree that civilian employees of PSNI and other persons exercising the powers of a constable should be eligible for jury service subject to the option of discretionary excusal where this would be in the interests of justice?

Q.9: Do you consider that members of the judiciary should be eligible for jury service?

Q.10: If the answer to the previous question is 'yes', do you consider that the excusals and deferrals policy is sufficiently robust to deal with the concerns that may arise (from members of the judiciary serving on a jury before a judge whom they may know, from counsel presenting the case who may have appeared before the judge and where judges may be likely to know some of the professional witnesses)?

Q.11: Are there any additional groups which you consider should be ineligible for jury service and why?

Q.12: Do you think it would be helpful to have a consultation exercise on the specific issue of jury service by those with a mental disorder or who are unable to understand English?

Q.13: Do you consider that all of the occupations currently excusable from jury service as of right should be included within the jury pool?

Q.14: If not, which occupations do you consider should remain excusable as of right and why?

Q.15: Are there any additional groups which you consider should be excusable from jury service as of right and why?

Q.16: Do you agree that persons aged between 65 and 70 should be eligible for jury service, subject to the discretionary arrangements for excusal/deferral? If not, please provide reasons.

Q.17: Do you consider that the upper age limit for serving as a juror of 70 years should be extended?

Q.18: If a person is selected for jury service, what period should elapse before they are liable to be selected again?

Q.19: Do you have any views on the draft guidelines on discretionary deferral of or excusal from jury service?

Q.20: Do the draft guidelines adequately balance the needs of those summoned with the need to have sufficient numbers of jurors available?

7.2 We would also welcome any comments in relation to the results of the equality screening exercise and the impact assessment which were carried out for these proposals.

How to Respond

8.1 The last date for responses to this consultation is **4th September 2008**. We have extended the normal 12 week period to 14 weeks to allow for the Summer holiday period.

8.2 Consultation Responses should be sent to :

E-mail: communicationsgroup@courtsni.gov.uk

Post: Cathy Scollan
Consultation Co-ordinator
Widening the Jury Pool Consultation
Northern Ireland Court Service
Information Centre
Windsor House
9 - 15 Bedford Street
BELFAST
BT2 7LT

Tel: 028 9041 2386

Fax: 028 9041 2390

8.3 When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

8.4 This consultation document is available at www.courtsni.gov.uk .

8.5 A list of consultees who have been notified about this consultation is presented at **Annex E**.

Confidentiality

8.6 In line with the Northern Ireland Court Service's policy of openness, at the end

of the consultation period copies of the responses we receive may be made publicly available. The information they contain may also be published in a summary of responses. If such a summary is published, it will be made available on the Northern Ireland Court Service website. If you do not want all or part of your response or name made public, please state this clearly in your response. Any confidentiality disclaimer that may be generated by your or your organisation's IT system or included as a general statement in your fax cover sheet, will be taken to apply only to information in your response for which confidentiality has been specifically requested.

8.7 We will handle any personal data which you provide in accordance with the Data Protection Act 1998.

8.8 You should also be aware that there may be circumstances in which the Northern Ireland Court Service will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000.

8.9 Please contact Cathy Scollan, the Northern Ireland Court Service Consultation Co-ordinator, at the address above to request copies of consultation responses. An administrative charge may be made to cover photocopying of the responses and postage costs.

Complaints

8.10 If you have any comments about the way this consultation has been conducted, these should be sent to the Head of Communications Group at:

E-mail: communicationsgroup@courtsni.gov.uk

By Post: Northern Ireland Court Service
Information Centre
Windsor House
9-15 Bedford Street
BELFAST
BT2 7LT

Tel: 028 9032 8594

Fax: 028 9041 2390

Text Phone: 028 9041 2920

Additional Copies

8.11 You may make copies of this document without seeking permission. If you require further printed copies of the consultation document, we would invite you to access the document through our website and make the copies yourself. If you do not have access to the internet and require us to provide you with further copies, please contact the Consultation Co-ordinator with your specific request.

8.12 This document is available in alternative formats on request. Please contact the Information Centre at the address at 8.10 above with your request.

What happens next?

8.13 We will aim to publish a summary of the views expressed by consultees and the Department's response on the Northern Ireland Court Service website within three months of the end of the consultation period.

Plans for making the results public

8.14 In accordance with criterion 4 of the Cabinet Office Code of Practice on written consultation, decisions taken in the light of the consultation shall be made public promptly with a summary of the views expressed (subject to respondents' requests for confidentiality) and reasons for the decisions finally taken.

8.15 The information you send us may need to be passed to colleagues within the Northern Ireland Court Service and/or published in a summary of responses to this consultation. We will assume that you are content for us to do this, and that if you are replying by e-mail, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system unless you specifically include a request to the contrary in the main text of your submission to us.

Persons ineligible for jury service under the Juries (Northern Ireland) Order 1996

Persons concerned with the administration of justice

- Persons holding or who have at any time held any paid, judicial, or other office belonging to any court of justice in Northern Ireland.
- Lay magistrates.
- Justices of the peace.
- The Chairman or President, the Vice-Chairman or Vice-President and the registrar and assistant registrar of any Tribunal.
- Barristers at law and solicitors whether or not in actual practice as such.
- Solicitors' clerks.
- Students of the Inn of Court of Northern Ireland or of the Law Society of Northern Ireland.
- The Director of Public Prosecutions for Northern Ireland, the Deputy Director of Public Prosecutions for Northern Ireland and the members of staff of the Public Prosecution Service for Northern Ireland.
- The Chief Inspector of Criminal Justice in Northern Ireland and the members of his staff.
- Officers of the Northern Ireland Office or of the Lord Chancellor's Department.
- Members of the Northern Ireland Court Service.
- Governors, chaplains and other officers of, and members of independent monitoring boards for, the following establishments—
 - (a) a prison within the meaning of the Prison Act (Northern Ireland) 1953;
 - (b) a juvenile justice centre or attendance centre within the meaning of the Criminal Justice (Children) (Northern Ireland) Order 1998; or
 - (c) a remand centre or young offenders centre within the meaning of the Treatment of Offenders Act (Northern Ireland) 1968.
- The warden or a member of the staff of a bail hostel as defined in Article 2(2) of the Probation Board (Northern Ireland) Order 1982.
- Members of the Probation Board for Northern Ireland.
- Probation officers and persons appointed to assist them.
- A person appointed for the purposes of Article 7(6) of the Treatment of Offenders (Northern Ireland) Order 1976.

- Police officers and any other person employed in any capacity by virtue of which he has the powers and privileges of a constable.
- Members and staff of the Policing Board.
- Members of the National Criminal Intelligence Service, members of the Service Authority for the National Criminal Intelligence Service and persons employed by the Authority.
- The Police Ombudsman for Northern Ireland and persons employed by him.
- Persons in charge of, or employed in, a forensic science laboratory.
- Prisoner custody officers within the meaning of section 122(1) of the Criminal Justice and Public Order Act 1994.
- Members and employees of the Criminal Cases Review Commission.
- Persons who at any time within the past ten years have been persons falling within any of the foregoing descriptions (except the first) of persons concerned with the administration of justice.

The Forces

- Persons serving on full pay as members of any of the naval, military or air forces of the Crown raised in the United Kingdom.
- Members of the Royal Irish Regiment.

Other persons

- Persons suffering from mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986.
- Persons unable to understand the English language.

Persons excusable from jury service as of right under the Juries (Northern Ireland) Order 1996

Parliament

- Peers and peeresses entitled to receive writs of summons to attend the House of Lords.
- Members of the House of Commons.

Northern Ireland Assembly

- Members of the Northern Ireland Assembly.
- Officers and servants of the Northern Ireland Assembly.

Scottish Parliament and Scottish Executive

- Members of the Scottish Parliament.
- Members of the Scottish Executive.
- Junior Scottish Ministers.

European Parliament

- Representatives to the European Parliament.

Public officials

- The Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints.
- Persons in the Northern Ireland Civil Service receiving a salary on a scale the maximum of which is not lower than the maximum of the Grade 5 scale.
- The Chief Electoral Officer and persons appointed to assist him.
- The Comptroller and Auditor General for Northern Ireland.
- The Secretary and any Director of the Northern Ireland Audit Office.
- Officers employed in any capacity by the Commissioners of Customs and Excise, or Commissioners of Inland Revenue.
- Officers in charge of a head office in Northern Ireland of a department of the Government of the United Kingdom.
- Inspectors of schools.
- Inspectors appointed under section 123 of the 1969 c. 6 (N.I.) Mines Act (Northern Ireland) 1969.

Clergy, etc.

- A person in Holy Orders and a regular minister of any religious denomination.
- Vowed members of any religious order living in a monastery, convent or other religious community.
- Practising members of a religious society or order the tenets or beliefs of which are incompatible with jury service.

Professions

- Professors and members of the teaching staff of a university or institution of further education and full-time teachers in any school.
- Masters of vessels, duly licensed pilots and lighthouse keepers.

The following persons, if actually practising their profession and registered (including provisionally or temporarily registered), enrolled or certified under the statutory provisions relating to that profession—

- medical practitioners;
- dentists;
- nurses;
- midwives;
- veterinary surgeons and veterinary practitioners;
- pharmaceutical chemists.

Persons aged between 65 and 70 years

- Persons aged between 65 and 70 years.

Draft guidelines on discretionary deferral of or excusal from jury service

1. Applications to be deferred or excused from jury service must be considered carefully, sympathetically and with regard to the individual circumstances of the applicant. It is important that a Juries Officer dealing with such applications should adopt a policy that is both fair to the individual and consistent with the needs of the court, i.e. providing a representative jury. A Juries Officer should therefore not hesitate to refuse a request if no “good reason” is given.
2. If good reason is shown why the person should not sit on the date they have been summoned, deferral should always be considered in the first instance. Excusal from jury service should be reserved only for those cases where the Juries Officer is satisfied that it would be unreasonable to require the person to serve at any time within the following twelve months.
3. When deferring jury service, the Juries Officer should, where possible, give an indication of when further attendance will be required, which should be within one year of the date of the summons. When making such a determination, the Juries Officer should, where possible, avoid dates which have been identified by the potential juror as being particularly inconvenient.

Juries Officer’s Discretion

4. The normal expectation is that everyone summoned for jury service will serve at the time for which they are summoned. It is recognised that there will be occasions where it is not reasonable for a person summoned to serve at the time for which they are summoned, in such circumstances, the Juries Officer should use his or her discretion to defer the individual to a time more appropriate. Only in exceptional circumstances, should a person be excused from jury service. The Juries Officer may refer any application for deferral or excusal to a judge for consideration.

The Juries Officer in exercising his or her discretion should observe the following principles:

5. When considering applications for excusal on the grounds of care responsibilities deferral should be considered in the first instance. Paragraph 4 applies.
6. Applications for excusal from members of enclosed religious orders; and from practising members of religious societies and orders, the tenets or beliefs of which are incompatible with jury service, should be granted. If evidence for either situation is not provided, it should be requested. Where jury service conflicts with an applicant's religious festival they should be deferred.
7. When considering applications for excusal on the grounds that the court for which the juror has been summonsed is difficult to reach, consideration should be given to the availability of public transport and whether it would be feasible for the juror to attend in the circumstances.
8. Deferral, rather than excusal, should be granted for holidays. Paragraph 4 applies.
9. Jurors may be excused for valid business reasons. Applications of this type should, however, be looked at closely and granted only if there should be unusual hardship. A small business is an example of a case where such hardship might be suffered, although each case will be considered on its individual merits. Paragraph 4 applies.
10. Applications for excusal by shift workers and night workers should be dealt with sympathetically. A shift worker should be deferred to a period where they do not have to attend on a rest day.
11. Cases of hardship may occasionally arise where a student, who depends on obtaining employment during the vacation in order to meet financial or vocational commitments, is summonsed for jury service before taking up such employment and is subsequently refused payment for loss of earnings, because no actual loss of earnings has occurred. Where an application for excusal or deferral is made by a student on these grounds it should be treated sympathetically, otherwise genuine financial hardship may be caused.

12. Applications for excusal from teachers or students during term time, and particularly during exam periods, should be deferred in the first instance. Paragraph 4 applies.
13. Those who apply for excusal on grounds that jury service would conflict with important public duties should normally be deferred. Paragraph 4 applies.
14. Members of Parliament or Members of the Northern Ireland Assembly who seek excusal of jury service on the grounds of parliamentary duties should be offered deferral in the first instance. Paragraph 4 applies.
15. The Speaker of the Northern Ireland Assembly and his deputies, because of the difficulties their absence from the Assembly would cause, should in the first instance be deferred to a time when the Assembly is not sitting. Paragraph 4 applies.
16. Members of the judiciary or those involved in the administration of justice who apply for excusal or deferral on grounds that they may be known to a party or parties involved in the trial should be reminded that it will not be until they attend court that they will know what trial they are to be involved with, and subsequently which judge, lawyers or other parties will be involved with the case. Where a civilian employee of the Police Service of Northern Ireland or any other person who exercises the duties of a constable seeks excusal, evidence of their employment and details of the nature of their role should be obtained and provided to the Juries Officer. Paragraph 4 applies.
17. If a potential juror informs the Juries Officer that they are employed by a prosecuting authority, the Officer should determine if the court has any trials listed which are not prosecuted by that authority. If there are trials brought by other prosecuting agencies, then the potential juror may be included in the panel for those trials. Otherwise, they should be excused.
18. Full-time serving members of the armed forces will be deferred or excused from jury service in cases where their commanding officer certifies that their absence would be prejudicial to the efficiency of the Service in question.

19. Applications for excusal on the grounds that jury service will conflict with work commitments should be deferred in the first instance unless excusal is clearly necessary. Each case will of course need to be considered on its own merits. Applications for excusal or deferral cannot be accepted from third parties, e.g. employers. Paragraph 4 applies.

20. Applications for excusal on the grounds of a physical disability which would make jury service difficult to undertake should be considered sympathetically, such applications should normally be considered without the necessity for a medical certificate to be produced. However, a certificate should be requested if the Juries Officer feels that one is necessary to support an application for excusal on the grounds of illness or physical disability (for example, where there is uncertainty as to the illness/disability), or where one is required for an appeal against non-excusal.

Glossary of Terms

Discretionary Deferral

If a person receives a summons and cannot carry out jury service on the dates which they are called for, they can make an application to the Juries Officer to have their jury service deferred to another time which is suitable. This deferral will be at the discretion of the Juries Officer and will be in accordance with the guidance which is being consulted on in this exercise.

Discretionary Excusal

If a person receives a jury summons and cannot carry out jury service, even on a re-scheduled date by way of a deferral, they can make an application to the Juries Officer to be excused from jury service. Excusal is different from deferral because the juror will not be asked to come back at a more suitable date, they will instead be excused from attending court at all in answer to their summons. The juror could still be called again for jury service in subsequent years.

Disqualification criteria

The criteria as set out in the Juries (Northern Ireland) Order 1996 relating to those persons with relevant criminal records which disqualify them from carrying out jury service.

Excusable as of right

If a juror falls within the category of persons as set out in Schedule 3 to the Juries (Northern Ireland) Order 1996 then they can be excused from jury service as of right, i.e. they do not have to give a reason or justification for their excusal.

Ineligible

If a juror falls within the category of persons set out in Schedule 2 to the Juries (Northern Ireland) Order 1996, they are ineligible for jury service and cannot sit as a juror. Types of persons who are ineligible for jury service include those who are employed in the justice system, persons suffering from a mental disorder and persons unable to understand the English language.

Juries Officer

Is a member of the Northern Ireland Court Service who has responsibility for the administrative functions relating to juries. There will be Juries Officers in each Crown Court location and also working in the Jury Management Centre in Londonderry Courthouse.

Challenge for cause

A challenge for cause is a challenge – by either the prosecution or the defence – against either the whole panel of jurors or an individual juror.

List of Consultees

Action Mental Health
Age Concern Northern Ireland
Alliance Party of Northern Ireland
Alzheimer's Society Northern Ireland
Amicus
An Munia Tober
Antrim & Ballymena Solicitors' Association
Antrim Borough Council
Appeals Tribunal
Ards Borough Council
Armagh City & District Council
Armagh Solicitors' Association
Armagh Travellers Support Group
Artsekta Belfast
Assembly Ombudsman for Northern Ireland
Association of Northern Ireland Colleges
Association of Teachers and Lecturers
The Attorney General's Office
Aware Defeat Depression Ltd
Bahá'í Council for Northern Ireland
Ballymena Borough Council
Ballymena Community Forum
Ballymoney Borough Council
Banbridge District Council
The Baptist Church in Ireland
Bar Immigration Practitioners' Association
Barnardos Tuar Ceatha Services
Belfast City Council
Belfast Education & Library Board
Belfast Harbour Police
Belfast Health and Social Care Trust
Belfast Hebrew Congregation
Belfast International Airport Constabulary
Belfast Islamic Centre
Belfast Jewish Community
Belfast Metropolitan College
Belfast Solicitors' Association
British Air Transport Association
British Airline Pilots' Association
British Association of Dental Nurses
British Dental Association
British Irish Rights Watch
British Medical Association
British Veterinary Association
British Veterinary Nursing Association
The Buddhist Centre
Care Tribunal
Carrickfergus Borough Council
Castlereagh Borough Council
Centre for Contemporary Christianity
Children's Law Centre
Chinese Welfare Association
Christian Brothers
Christian Renewal Centre
Church of Ireland
Church of Jesus Christ of the Latter Day Saints
Citizens Advice Bureau
Civil Aviation Authority
Coalisland & Dungannon Solicitors' Association
Coleraine & Ballymoney Solicitors' Association
Coleraine Borough Council
Commissioners for Victims and Survivors for Northern Ireland
Commissioner of Irish Lights

Committee on the Administration of Justice	Department of Finance and Personnel
Community and District Nursing Association	Department of Health, Social Services and Public Safety
Community Practitioners' and Health Visitors' Association	Derry City Council
Community Relations Council	Derry Travellers Support Group
Confederation of British Industry	Disability Action
Conference of Religious of Ireland (Northern Ireland)	District Judges' Association
Conservative Party	Down and District Solicitors' Association
Contact Youth Counselling Services	Down District Council
Cookstown Borough Council	Down Lisburn Trust Well
Cookstown Migrant Worker Support Programme	Dungannon & South Tyrone Borough Council
Cookstown Solicitors' Association	Eastern Health and Social Services Board
Coroners Service for Northern Ireland	Education and Training Inspectorate Northern Ireland
Council for Catholic Maintained Schools	Electoral Office for Northern Ireland
Council for the Curriculum Examinations and Assessment	Elim Pentecostal Church in Ireland
Craigavon Borough Council	Embrace
Craigavon Travellers Support Committee	Equality Commission for Northern Ireland
Criminal Bar Association	Evangelical Alliance Northern Ireland
Criminal Cases Review Commission	Extern
Criminal Injuries Compensation Appeals Panel	Family Bar Association
Criminal Justice Inspection Northern Ireland	Federation of Small Businesses
Crown Solicitor's Office for Northern Ireland	Fermanagh District Council
Democratic Unionist Party	Fermanagh Solicitors' Association
Department for Employment and Learning	First Division Association
Department for Regional Development	Forensic Science Northern Ireland
Department for Social Development	Foyle Solicitors' Association
Department of Agriculture and Regional Development	Free Presbyterian Church
Department of Culture, Arts and Leisure	The General Bar Council of Northern Ireland
Department of Education	General Consumer Council for Northern Ireland
Department of Enterprise, Trade and Investment	General Dental Council
Department of Environment	General Medical Council Northern Ireland
	General Teaching Council for Northern Ireland
	Governing Bodies Association (NI) Ltd.
	Grand Orange Lodge of Ireland
	Green Party

Guardian Ad Litem	MDF The BiPolar Organisation
Hare Krishna Temple	Medical Appeals Tribunal
Health Professions Council	Members of the European Parliament
Help The Aged	Members of the Northern Ireland Assembly
Her Majesty's Council of County Court Judges	Mencap Northern Ireland
High Court Judges	Mental Health Commission for Northern Ireland
Hindu Council UK	Mental Health Nurses Association
HM Revenue and Customs	Mental Health Review Tribunal
Identity and Passport Service	Merchant Navy Association
Indian Community Centre	Methodist Church of Ireland
Industrial Tribunal & Fair Employment Tribunal	Mind Yourself
Institute for Counselling & Personal Development Trust	Ministry of Defence
Institute of Directors	Moyle District Council
Institute of Professional Legal Studies	Multi-cultural Resource Centre
Irish Council of Churches	National Association of Head Teachers
Irish Language Schools Body	National Association of Schoolmasters/Union of Women Teachers
Irish National Teachers' Organisation	National Association of Theatre Nurses
Irish Sikh Council	National Schizophrenia Fellowship
Jehovah's Witnesses	Nautical Institute
Just Ask	Nederlandse Vereniging in Noord Ierland
Justices of the Peace	Newry & Banbridge Solicitors' Association
Lands Tribunal	Newry & Mourne District Council
Larne Borough Council	Newtownabbey Borough Council
Larne Harbour Police	Newtownabbey Solicitors' Association
Latino America Unida	North Down Borough Council
Law Centre (Northern Ireland)	North Down Solicitors' Association
Law Society of Northern Ireland	North Eastern Education & Library Board
Limavady Borough Council	North West Regional College
Limavady Solicitors' Association	Northern Health and Social Care Trust
Lisburn City Council	Northern Health and Social Services Board
Lisburn Solicitors' Association	Northern Ireland African Cultural Centre
Lord Chief Justice	Northern Ireland Association for Mental Health
Lord Justices of Appeal	Northern Ireland Association for the Care and Resettlement of Offenders
Magherafelt District Council	Northern Ireland Association of Resident
Magherafelt Solicitors' Association	
Mandarin Speakers Association	

Magistrates
 Northern Ireland Audit Office
 Northern Ireland Chamber of Commerce and Industry
 Northern Ireland Community of Refugees and Asylum Seekers
 Northern Ireland Council for Ethnic Minorities
 Northern Ireland Council for Integrated Education
 Northern Ireland Council for Voluntary Action
 Northern Ireland Court Service
 Northern Ireland Human Rights Commission
 Northern Ireland Interfaith Forum
 Northern Ireland Judicial Appointments Commission
 Northern Ireland Lay Magistrates' Association
 Northern Ireland Legal Services Commission
 Northern Ireland Members of Parliament
 Northern Ireland Muslim Family Association
 Northern Ireland Office
 Northern Ireland Pakistan Ireland Cultural Association
 Northern Ireland Peers
 Northern Ireland Policing Board
 Northern Ireland Practice & Education Council for Nursing and Midwifery
 Northern Ireland Public Service Alliance
 Northern Ireland Sikh Cultural and Community Centre
 Northern Ireland Tolerance, Education & Cultural Association (NI-TECA)
 Northern Ireland Valuation Tribunal
 Northern Regional College
 NSPCC
 Nursing and Midwifery Council
 Office of the First Minister and Deputy First Minister
 Office of the First Minister of Scotland
 Office of the Northern Ireland Judicial Appointments Ombudsman
 Official Solicitor's Office for Northern Ireland
 Omagh District Council
 Omagh Solicitors' Association
 The Open University in Ireland
 Pakistani Community Association
 Personal Injuries Bar Association
 Pharmaceutical Society of Northern Ireland
 Planning Appeals Commission
 Planning Law Association
 Pobal
 Police Federation
 Police Ombudsman's Office for Northern Ireland
 Police Service of Northern Ireland
 Policing Pensions Appeals Tribunal
 Polish Association Northern Ireland
 Portadown Solicitors' Association
 Praxis Care
 Presbyterian Church in Ireland
 Prison Officers' Association (POA)
 Prison Service for Northern Ireland
 Probation Board for Northern Ireland
 Progressive Unionist Party
 Public and Commercial Services Union (PCS)
 Public Prosecution Service
 Quakers Religious Society of Friends
 The Queen's University of Belfast
 Reability
 Rent Assessment Panel
 Reserve Forces Reinstatement Committee
 Resource
 Rethink
 Roman Catholic Church
 Royal College of General Practitioners Northern Ireland

Royal College of Midwives
Royal College of Nursing Northern Ireland
Royal College of Paediatrics and Child Health
Royal College of Surgeons Northern Ireland
Royal College of Veterinary Surgeons
Royal Irish Regiment
Royal National Institute for Deaf People
Royal National Institute for the Blind
Sai Pak Chinese Community Project
The Salvation Army
Save the Children
The Scottish Parliament
School of Law at Queen's University
School of Law at University of Ulster
Serious Organised Crime Agency
Seventh Day Adventist Church
Shah Jalal Mosque Bangladeshi Islamic
Community Centre
Shankill Stress and Trauma Group
Sinn Fein
SLS Publications (Northern Ireland)
Social Democratic and Labour Party (SDLP)
Social Security and Child Support
Commissioner
Society of Masters
Society of Practising Veterinary Surgeons
South Eastern Education & Library Board
South Eastern Health and Social Care Trust
South Eastern Regional College
South Tyrone Empowerment Programme
South West College
Southern Education & Library Board
Southern Health and Social Care Trust
Southern Health and Social Services Board
Southern Regional College
Special Education Needs and Disability
Tribunal
St Mary's University College
Staff Commission for Education and Library
Boards
State Pathologists' Department
Strabane District Council
Strabane Ethnic Community Association
Strabane Solicitors' Association
Stranmillis University College
Traffic Penalties Tribunal
Traveller Movement Northern Ireland
Tribunal under Schedule 11 to the Health
and Social Services (NI) Order 1972
UK Border Agency
Ulster Teachers' Union
Ulster Unionist Party
UNISON Northern Ireland
University of Ulster
Veterinary Northern Ireland
Victim Support
Western Education & Library Board
Western Health and Social Care Trust
Western Health and Social Services Board
Women's Aid Federation Northern Ireland
Young Bar Association
Young Solicitors' Association
Youth Justice Agency



INVESTOR IN PEOPLE

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