

Information for Employers of Jurors

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Introduction

Your employee has been selected to serve as a juror. Jury service is 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 upon society as a jury's verdict.

However, we recognise that serving as a juror will have a significant effect both on the jurors' lives and their employers. This booklet is designed to explain some of the issues which may concern jurors' employers.

Length of jury service

Jurors usually try the more serious criminal cases such as assault, burglary, fraud, or murder which are heard at the Crown Court. Juries are also sometimes required at Coroner's Inquests. The majority of individual trials last only a few days, however, a typical jury can remain in place for up to six weeks (during this time, the same juror can be selected to sit on more than one trial).

Some trials, however, can take weeks, or even months, to complete. It is difficult to estimate at the outset exactly how long each witness's evidence will last or what factors may delay or reduce the length of the trial and the estimated length can change at any stage. **Please bear this in mind when making plans for staff cover during periods of absence because of jury service.**

The court will keep the jurors informed of the estimated length of the trial as it progresses. If at any time you have any queries you can contact the relevant court office at the telephone number at the back of this booklet.

Jury selection

All jurors are selected entirely at random, from the initial selection of people from the electoral register through to the selection of the twelve jurors who form the jury. Usually a panel of fifteen to eighteen potential jurors is taken to the court at the start of a trial from which the twelve jurors are selected. For a long trial, however, the trial judge may request a larger panel. Jurors will not be excused from jury service unless they have a valid reason. It is for the judge to decide whether there is a valid reason for excusal from jury service.

Contact with your employee during their jury service

There may be occasions during the course of the trial when the court is not sitting and the jurors are not required. We encourage jurors to keep in contact with their employers during such breaks, either by temporarily returning to work (if they are allowed to by you), or discussing with a colleague or manager anything work related which has occurred in their absence. They are not allowed to discuss the details of the case with anyone.

Allowances

Jurors' allowances are set by law and the court has no discretion to exceed them. **Allowances cannot be paid to anyone other than the juror.** A claim form entitled 'Claim for Payment' is included in the summons for jury service. An information leaflet entitled 'Allowances for Jury Service' is sent out with the summons as well. This is updated annually from 1st August each year and sets out all the allowances a juror may be entitled to. The figures used in this booklet relate to 2011/12. Jurors can claim three types of allowance: travel; meal allowance; and financial loss.

Travel

Reimbursement of standard rate public transport fares, or a set mileage rate if the juror has to drive.

Meal allowance

An allowance of either £5.71 if they are away from home for up to 10 hours, or £12.17 if they are away from home for longer than 10 hours. This meal allowance is only payable if a meal is not provided at public expense. Most courthouses provide jury lunches when required.

Financial loss (Including loss of earnings)

Financial loss, which incorporates any loss of earnings, reimburses any loss as a direct result of jury service up to daily maximum limits. The maximum payable doubles from the 11th to 200th day of jury service. **The maximum limits are for total financial loss** so if, for example, a juror is claiming for loss of earnings and childcare on the same day then the maximum relates to the combined loss.

The maximum rates (from 1st August 2011 to 31st July 2012) are:

For the first 10 days:

- For a period not exceeding 4 hours £32.47
- For a period of more than 4 hours £64.95

From the 11th to 200th day of service for a period not exceeding 4 hours: £64.95

For a period of more than 4 hours: £129.91

The maximum limits are for combined/total financial loss to include:

- loss of earnings;
- childcare;
- National Insurance contributions; and
- pension contributions.

If a juror is not being fully paid whilst on jury service they can claim back any shortfall up to the daily maximum. If they are losing more than the maximum, the balance cannot be paid by the court.

If a juror losing earnings wishes to claim financial loss, you as their employer must complete the 'Employer's Certificate' at the back of the claim form on the jury summons, certifying their net daily loss. If they do not earn the same rate each day then an average figure should be used. The court cannot reimburse loss of earnings without a valid 'Employer's Certificate'. Payment by the Courts and Tribunals Service is made to the juror and any arrangement for employers to recoup wages is a matter between the juror and their employer.

Employers topping up loss of earnings

Many employers with an employee on jury service will continue to pay them whilst on jury service. Other employers will not pay those employees entitled to full reimbursement by the court, but will top up the loss for those losing more than the maximum. For example, if a juror earns £80.00 per day net, but can only claim £64.95 per day in the first 10 days, the employer may pay the juror £15.05 net so they do not lose out.

National Insurance contributions whilst on jury service

Your employee may wish to make a National Insurance contribution for the weeks when they were not able to work because they were on jury service and claim it back under the financial loss allowance. This will apply if you do not pay them whilst they are on jury service or if any earnings they receive are less than the Lower Earnings Limit for National Insurance contributions. This is £102.00 per week for the 2011/2012 tax year. Even if they had lower earnings during the period of jury service, they may not need to be credited with contributions. Because employees' National Insurance contributions are earnings-related, it is possible to pay sufficient for the tax year to count towards future state pension entitlement in a much shorter period. They need only apply for contributions to be credited for periods of jury service to make up their record if they are told that they have a deficient record for the tax year in question, either when they make a claim for benefit in the future or they get a deficiency notice.

The HMRC website contains guidance for employers on PAYE (Pay As You Earn) and National Insurance contributions (NICs) when an employee goes on jury service. The web-site address is www.hmrc.gov.uk.

Pension contributions

If you are paying a contribution towards your employee's pension that ceases because they will not be working for you for a significant period of time due to their jury service, the loss of pension contributions can be covered by the financial loss allowance. Jurors will be required to provide proof of the contributions, and also proof that their employer is ceasing to pay these contributions during the period that the employee is on jury service. This is also subject to the maximum daily allowance threshold.

It would be useful for you to talk to your employee about their pension scheme so that they understand whether and how payments will be made whilst they are on jury service and whether they need to account to you from the sums paid by the court as allowances (if any).

The court can only pay allowances to the juror and not to any third party such as you as their employer. Therefore, if they are claiming their pension contributions under the financial loss allowance, they should remember that the allowance will be paid to them and it is their responsibility to pay the amount of contributions lost back to you. You and your employee should agree the procedure for this.

Jurors employed by a recruitment agency

If you are a recruitment agency and one of your employees is called for jury service during a contract to work for an employer, the agency should fill out the 'Employer's Certificate', reflecting what they would have earned during their period of jury service. It will be necessary for you to state either in a separate letter or on the certificate when the contract is due to expire.

If they are called for jury service just before they start a contract for work, they will have to provide evidence of that contract along with their daily **net** pay and the duration of the contract.

If they are not working through your agency or they do not have a forthcoming contract, the court cannot pay any loss of earnings allowance.

Insurance

Some business insurance policies have provisions for losses incurred as a result of jury service. They can cover losses due to employees being called for jury service or may also cover any losses incurred as a result of rearranging a business trip. You should carefully read through your policy (if you have one) to check its terms.

The Employment Relations (Northern Ireland) Order 2004

The Employment Relations (Northern Ireland) Order 2004 (Article 20) outlines employers' responsibilities when their employees are summonsed for jury service.

The Order protects employees from any detriment that they might suffer as a result of jury service. This might occur if, for example, a juror was prevented from going back to the same job or was being excluded from pay awards or promotion opportunities as a result of their jury service. Some jobs require skills which need to be current, so an employer who insists on retraining after a long absence e.g. for safety reasons, may not necessarily be imposing a detriment.

Protection is also given to employees against employers who unfairly dismiss them for performing jury service.

Further jury service

When a jury sits on a trial which the judge deems to have been particularly difficult or demanding for the jury, he has discretion to give the jurors the right to be excused for as long a period as he thinks fit (this could even be for life), depending upon the circumstances. If they are excused at the end of a trial and are called again they should contact the court office.

However a person may be called again for jury service but this is usually at least 3 - 5 years later.

Court Addresses

Antrim Court Office

The Courthouse
30 Castle Way
Antrim BT41 4AQ
Phone: 028 9446 2661

Armagh Court Office

The Courthouse
The Mall
Armagh BT61 9DJ
Phone: 028 3752 2816

Ballymena Court Office

The Courthouse
Albert Place
Ballymena BT43 5BS
Phone: 028 2564 9416

Belfast Combined Courts

Laganside Courts
45 Oxford Street
Belfast BT1 3LL
Phone: 028 9032 8594

Craigavon Court Office

The Courthouse
Central Way
Craigavon BT64 1AP
Phone: 028 3834 1324

Coleraine Court Office

The Courthouse
46A Mountsandal Road
Coleraine BT52 1NY
Phone: 028 7034 3437

Downpatrick Court Office

The Courthouse
English Street
Downpatrick BT30 6AD
Phone: 028 4461 4621

Dungannon Court Office

The Courthouse
46 Killyman Road
Dungannon BT71 6FG
Phone: 028 8772 2992

Enniskillen Court Office

The Courthouse
East Bridge Street
Enniskillen BT74 7BP
Phone: 028 6632 2356

Londonderry Court Office

The Courthouse
Bishop Street
Londonderry BT48 6PQ
Phone: 028 7136 3448

Newry Court Office

The Courthouse
23 New Street
Newry BT35 6JD
Phone: 028 3025 2040

Old Town Hall

80 Victoria Street
Belfast BT1 3FA
Phone: 028 9032 8594

Omagh Court Office

The Courthouse
High Street
Omagh BT78 1DU
Phone: 028 8224 2056

Royal Courts of Justice

Chichester Street
Belfast BT1 3JF
Phone: 028 9023 5111

Coroners Service for Northern Ireland

Mays Chambers
73 May Street
Belfast
BT1 3JL
Phone: 028 9044 6800

Northern Ireland Courts and Tribunals Service
Laganside House
23-27 Oxford Street
Belfast
BT1 3LA

www.courtsni.gov.uk

