

**Juries have been used in our legal system for over a 1000 years and the independence of the jury was firmly established in BUSHELL'S CASE in 1670**

- a) Briefly outline where juries can be found and explain the selection and qualification procedures used in the jury system.**  
**b) Critically analyse the advantages and disadvantages of the system.**

a) In modern day English society only jury tries a small percentage of cases; this is because 97% of cases are heard in the magistrate's court where there are no requirements for a jury. There are juries used in the following courts: the crown court for criminal trials on indictment (e.g. murder, manslaughter or rape) to decide the verdict (guilty or not guilty) when the plea is not guilty a jury is not need and therefore only about 1% of criminal cases have a jury, in the high court for queens bench division but this is only for certain types of cases to decide liability and to decide damages awarded for cases such as defamation (libel or slander), false imprisonment, malicious prosecution and any fraud allegations, the county court for similar cases to the queens bench division as well as in the coroners court to decide cause of death's in prison, police custody, industrial accidents, and where health and safety of the public is concerned.

In a crown court or high court there would be 12 on a jury, in a county court there would be 8 on a jury, and between 7 and 11 on a coroner's court jury.

By Law some people are not allowed to be jurors, some other people may have the right to be excused from jury service. To qualify to be a juror you must be at least 18 years old and under 70, and you have to have lived in the UK (including Channel Islands and the Isle of Man for 5 years since you were 13. You are not permitted to take part in jury service if you have ever been sentenced to life imprisonment, or imprisonment or youth custody for 5 years or more or to be detained during her majesties pleasure or during the pleasure of the Secretary of state for Northern Ireland. Or if you in the last ten years served any part of a sentence of imprisonment, youth custody or detention or received a suspended sentence of imprisonment for a detention order or subjected to a community service order, or if in the last 5 years been placed on probation or if you are currently on bail in criminal proceedings. In respect to mental disorders if you suffer from a mental disorder and because of that condition, you are resident in a hospital or similar institution or if you regularly attend a medical practitioner for treatment, or if you are under guardianship under section 37 of the Mental health act 1983. Or if a judge has decided you are not capable of managing and administering your property or affairs because of a mental disorder. You are not qualified for jury service if you are or have ever been a judge, a stipendiary magistrate, a justice of the peace, the chairman or president; the vice-chairman or vice president; the registrar or assistant registrar of any tribunal. Others concerned with the administration of justice are not permitted to take part in jury service, You are also not qualified for jury service if you are in holy orders, a regular minister of any religious denomination or a vowed member of any religious order living in a monastery, convent or other religious community.

Some people by law are given permission to be excused from jury service should they want, you can ask to be excused from jury service if you are over 65, if you have been on a jury in the last 2 years, or you have been a juror and the court excused you for a period that has not yet ended, along with these the following have the right to be excused from jury service; if you are a peer or peeress who is entitled to receive a writ of summons to attend the house of lords, a member of the house of commons, an officer of the house of lords, an officer of the house of commons, any representative to the European assembly, any one involved in Medical professions if you are practising the profession and you are registered, enrolled or certificated under the law which relates to your profession. If you are in the forces you are entitled to be excused if you are a full time member of the army, navy or the air force, the queen Alexandra's naval nursing service, any voluntary aided detachment serving with the royal navy and your commanding officer certifies to the jury summoning officer that your absence would be 'prejudicial to the efficiency of the service' and you also have the right to be excused if you are a practising member of a religious society or order whose tenets or beliefs are incompatible with jury service or if you are too ill to attend court, suffering from a disability that makes it impossible to sit as a juror, or being a mother of a small baby, or having exams or booked holidays.

When selecting a jury at every crown court there is an official responsible for summoning enough jurors to try the cases that will be heard during a 2 week period, they will arrange for the jurors to be selected at random from the electoral registers for the area the court covers, this is done at central office. Those summoned must notify the court if there is any reason as to why they should not attend. Where it is known that the trial will be extremely long they will be asked if they can serve for such a long period.

Once such a list of potential jurors is known both the prosecution and the defence have the right to see the list. It is sometimes decided that the pool of potential jurors should be vetted. Two types of this are routine police checks to eliminate those disqualified and a wider check is made on a juror's background and affiliations.

b) The use of the electoral register of voter to select jurors has been criticised, as it does not represent a fair representation of the population as it excludes the homeless and those not registered to vote. It has also been criticised that where the jury is selected manually as opposed to random computer methods there is a possibility that many of the jury will come from the same area such as in the 'Romford' jury

A problem that has been highlighted is that the juries ethnic minorities are severely under represented on juries this was found by Baldwin and McConville in 1979, they found that out of a sample of 3912 jurors only 28 were from ethnic minorities, while census figures showed it should be 10 times that. In 1993 Henderson found that non-white jurors made up 5% of the jurors only just below the proportion of the population of 5.9%. There is no power for the judge to empanel a multi-ethnic jury.