

LAW COURSEWORK

Describe Jury Trial within the English legal system. How effective is Trial by jury? consider any alternatives and suggest improvements.

Part 1- Describe Jury Trial within the English Legal system

A Trial by Jury is one of the oldest traditions, and is seen as a cornerstone in the English Legal System as it developed from the Anglo-Saxon judicial custom. In the English legal system it is seen as such a major feature because it allows people to be judged by their peers rather than by judges whom the majority of people consider to be middle class and middle minded.

Opportunities for bias are also eliminated as it has been proven to be a system that works well and that is respected by the majority of people in society.

Surprisingly England stands almost alone in the fact that it uses juries apart from France who are the only other country in Europe that use juries. Still in France juries are only used in the most serious of cases.

To sit on a jury the person must be aged between 18 and 70 (previously 65 until Justice Act 1988, section 119) and also to become eligible to vote the person must be registered on the electoral register under the Juries Act 1974. Also the person must have been a resident of the UK, Channel Islands or the Isle of Man for at least 5 years.

However there are further requirements that may rule certain people out from sitting on a jury these are certain people who have criminal convictions which include people with life sentences, a person who has been in prison for five years or more or whom has carried out any sentence in the last 10 years. Also there are people who are illegible to become members of a jury without have any sort of criminal conviction. These are people with mental illnesses and also those who are involved with administrative duties of justice for example solicitors and barristers. Also clergy are also not allowed to carry out jury duties, but the Runciman Commission recommends that the clergy should be removed from this category. However it is also possible to be excused as of right. This category includes, members of the armed forces, doctors and veterinary practitioners The Runciman Commission also concluded that members of certain religious groups whose 'beliefs are incompatible with jury service' may also be excused as of right. Anyone with a reasonable enough reason also has the right to be excused. If you are called up to do jury duty and do not attend there is a fixed fine of £1,000.

The Runciman Commission was established with the following term of reference: to examine the effectiveness of the criminal justice system in England and Wales in securing the convictions of those guilty of criminal offences and the acquittal of those who are innocent having regard to the efficient use of resources, and in particular to consider whether changes are needed in

1. The conduct of police investigations
2. The role of the prosecutor
3. The role of experts

4. The arrangements for the defence
5. The opportunities for an accused person to state his position
6. The power of the courts in directing proceedings
7. The role of the court of appeal
8. The arrangements for considering and investigating miscarriages of justice.

Jurors can be used in the Crown Court for indictable offences or triable either way offences. In a County Court the jury must consist of eight people and in a Coroner's Court there are between eight and eleven jurors are used in suspicious death cases whereas usually a jury consists of twelve people.

In civil cases taking place in the High Court juries are used for the following types of cases; libel, fraud, malicious prosecution and also false imprisonment cases. The jurors also decide on the verdict and award the claimant the appropriate damages. However juries from the County Court may also be used if the damages were not expected to exceed £15,000.

A juror can be anyone living in the area where the trial is to be held from all walks of life and job types. The jurors are randomly selected at the Central Summoning Bureau for the electoral role for each area. They make sure that the correct numbers of people are summoned and issue jury summons telling them to attend a court as a juror on a specific date. Using the electoral registers the Lord Chancellor is responsible for issuing summonses to potential jurors through post or hand delivery.

Members of the jury must be sworn in separately. However if a person objects to an oath for a valid reason such as a religion they are able to make a solemn affirmation, "I do solemnly, sincerely and truly declare and affirm that I will faithfully try the defendant and give a true verdict according to the evidence. In criminal courts the oath sworn is: "I swear by almighty God that I will faithfully try the defendant and give a true verdict according to the evidence."

The prosecution and defence may first challenge the jury as a whole. The prosecution and defence may argue that they have been improperly chosen or for some reason are unfit to carry out their duties. This is known as 'challenging the array'. They may also then 'challenge for cause,' meaning that they believe that a juror should not sit because they know the accused, that they are disabled in some way and lastly that they do not have a sufficient enough understanding of The English Language.

Juries decide whether the defendant is guilty or innocent on the evidence that has been put forward to them by the prosecution and the defence. They must come to one of two verdicts: unanimous – all members of the jury agree on the same verdict or a majority. This can be a 11:1 or 10:2 decision. If this is not the outcome of the trial the trial a retrial will take place or the trial will be

dismissed. However in the most serious of trials e.g. murder, a unanimous decision must be reached. No one is allowed to question the jurors about these deliberations. If a person is found of contempt of court they can be fined or even sent to prison.

When the jury has reached an acceptable verdict they return to court and are asked by the clerk what verdict they have reached. Then the foreman of the jury must state whether the defendant is guilty or not guilty and how many jurors agreed on the verdict. This is then the end of the juries' service and they are then obliged to leave the court.

Part 2- Consider any alternatives and suggest improvements