

Describe the British Jury system

To be eligible for jury service a person must be aged between 18/70 and be registered to vote on the electoral register as set out in the Juries Act 1974, as amended by Criminal Justice Act of 1988.

However some people, who qualify under the criteria above, are still not allowed to serve on a jury, because they are disqualified or ineligible for some other reason.

Some criminal convictions will disqualify you from serving on a jury, the length of time of disqualification depending on the sentence given.

In addition, the Criminal Justice and Public Order Act 1994 has disqualified those on bail from sitting as jurors.

People suffering from certain mental illness people whose occupations are concerned with the administration of justice or who have been so employed within the last 10 years; this is a wide group as it includes judges, court clerks, Barristers, solicitors and police, priest, monks and nuns as they could have a biased view.

Apart from these group there are also people who have the right to refuse to do jury service; they are 'excusable as of right' this group includes:

Members of Parliament, those serving in the armed forces, doctors, nurses and pharmacist anyone aged 65 to 70, anyone who has done jury service within the last years.

Jurors are now always selected by computers at a central summoning bureau jurors are selected from computerised list of the electoral registers for each area this bureau works with the courts.

Juries are not used in the magistrate's courts, the sworn duty of the jury is to faithfully try the defendant and give a true verdict according to the evidence'.

The defendant has a right of challenge to the array of jurors or to individual jurors, those jurors objected to will be asked to stand down and others will be empanelled to take their place.

In most crown courts there will be several court rooms, each with a different case going on, whenever a new trial starts, the first thing that happens is that the defendant is asked whether he pleads guilty or not guilty.

If the plea is not guilty then jurors, who are not doing another case, but waiting, to be used, will come to the courtroom.

The court will have a list of names and if there are more than 12 waiting, the clerk will choose 12 from the jury, this part of the selection process is done in public in the courtroom with the clerk reading out the name of those chosen as the 12 jurors come into the jury box it is possible that some of them may be challenged by either the prosecution or the defence. This is only done if there is a reason why the juror should not sit on the jury, eg because they are disqualified or because they know the defendant.

If there are not sufficient jurors to hear all the cases going on at the court, there is a special power to select anyone who is qualified to be a juror from the local streets or offices.

This type of jurors is called a talesman another thing is it is very unusual to use this power, but this was used in London at Middlesex Crown Court in January 1992, when about half of the jury panel failed to attend court after the New Year holiday.

The role of the jury is to listen to the evidence and decide whether the accused is guilty or not guilty. During the trial jurors may make notes of any points they wish to be given clips of any documentary evidence of photographs, the judge decides any necessary points of law during the trial and at the end of the trial he explains any legal matters, that the jury need to know to reach their verdict.

Formerly the verdict of a jury had to be unanimous, but now the **criminal justice act of 1967**, provides that a majority verdict may be allowed.

The court cannot, however accept a majority verdict unless the jury has been deliberating for no less than two hours, when the verdict need not then be unanimous if:

- A) In a case where there are not less than eleven jurors, ten of them agree; or
- B) In a case where there are ten jurors, nine of them agree.

It must be stated in open court as to the number of jurors who respectively agreed to and dissented from the verdict, some times when juries go out or are deliberating; they can some times which is where a member of a jury, for a case could be bribed or threatened.

When in a case where a juror dies or is ill, provided that both sides agree and the number of jurors is not reduced below ten, the case may continue and a verdict maybe given.

The other form of jury is the civil jury, these juries are more commonly if found in the corona's court, the civil jury is now a rarity, the general rule following the administration of justice **Miscellaneous Provisions Act, of 1933** it is that the civil court has discretion in its use of a jury.

A jury may, however be ordered on the application of either party in cases of defamation, malicious prosecution, false imprisonment, and cases of fraud, unless the court considers that the trial will involve prolonged examination of documents or accounts, or a scientific a local investigation.

To be a member of a jury you need certain a qualification and according to the **criminal justice Act, of 1972**, which abolished the former property qualification for jury service in England and Wales.

There are payments in respect of jury service for travelling, subsistence and financial loss are made to jurors.

There are also other people who do not want to do jury service and they have to explain their reason in writing to the court, if they have sufficiently good reason, they will be excused from doing jury service on that occasion, but may have to do it in the future.

The good reason s includes being too ill to go to court, business appointments, having holiday booked or even having examination to take.

This sort of excusal is called a discretionary excusal, since it is up to the court to decide whether that person should be excused or not, if a person is not excused he must attend court on the summons or risk being fined for failing to do so. The maximum fine for non-attendance is £1,000.

Advantages & disadvantages

The most important advantage is that ordinary people are involved in the decision, however research has shown that juries are not always a true cross-section. Certain groups of people are not fully represented, these include young people aged 18 and 19, women and ethnic minorities.

The main reason for such under-representation is the use of the electoral register in the selection process.

Young people and those from ethnic minorities are less likely than other groups to register to vote.

The Rankin Commission 1993 on the Criminal Justice System proposed that in some cases if random selection does not produce a multiracial jury, then such a jury should be deliberately chosen.

Another case of under-representation is the number of discretionary excusals allowed in the London it is said that as many as a third of all those summonsed to do jury service may be excused.

This affects some types of people more than others, when mothers with young children

as it has a jury and he was found not guilty.

The disadvantages could be that:

The minimum age of 18 could or maybe too inexperienced for jury service, or educational test for their task, and maybe too easily impressed and swayed by advocacy of experienced counsel.

Local prejudice may exist in certain trials, and this may be reflected in local jurors; corrupt influences, threats and intimidation from outside parties, some trials are long and may cause inconvenience to jurors, who may suffer financially and the cost to the state will also be high.

The media can also play a major role in the disadvantage of the jury service, the Bruce Grobelaar case he was charged of match fixing, so he went to a civil court but there was a burden of proof in the case, the level of proof established in the case was beyond reasonable doubt.