

Juries

Juries are also used in certain civil cases such as defamation, slander and false imprisonment.

When used in cases they have to decide whether the claimant has successfully proved his or her claim, they also decide the amount of money that is awarded in damages, this differs from the criminal court, where the only decision is whether the defendant is guilty or not.

Juries are lay persons they are non-qualified in law. The jury system dates back to after the Norman Conquest in Britain and throughout centuries it has developed to become a fundamental part of the English legal system. The Magna-Charta recognised the persons rights to trial by the "Lawful judgement of his peers" this became a usual method of trying criminal cases the notable case of "Bushel 1670" established independent of the jury, in Bushels case where several of the juries refused to bring in a guilty verdict against Quakers who were charged with unlawful assembly they pleaded not guilty, the judge ordered to not accept the not guilty claim instead they were all fined and sent to prison they then appealed to the court of appeal "Court Of Common Pleas" they ordered to release the jury and said they can not be punished due to the verdict.

Another case is "McKenna 1960" the judge said bring a verdict in ten minutes or they will be locked up all night and the jury came to the verdict of guilty they then appealed to the court of appeal. The court of appeal decided the judge had interfered with the jury in the exercise of their duty they had quashed the conviction. The court of appeal can decide that the appeal has succeeded, in that case it will probably quash the conviction but it can also decide that no miscarriage of justice has occurred and allows the conviction to stand, it can decide the appeal has not been made out and the conviction stand.

The court of appeal has power to order retrial in certain circumstances where it would be grossly unjust to quash the conviction and allow the convict to go free. Modern day use of jury in England involves only a small percentage of cases and the jury is used in the following courts:

- The crown court for: Criminal trials for Indictment.
- The high court in the Queen's Bench division for: Slander, Defamation and False Imprisonment.

In the crown court they decide the verdict in serious criminal cases (murder, manslaughter).

There are 12 jury members in panelled, the number can be reduced to 9 never lower than 9, they are required to bring an anonymous verdict but if after the period of time which the judge will decide they are not able to agree then the judge will give them position to bring a majority verdict this means a split of 11:1 or 10:2 if the jury is below 12 then the same circumstances still apply. When they give the verdict the spokes person for the jury (Foreman) must tell the judge what the split is.

In the high court the jury role is different it must decide liability (wrongs and writes) they also have to decide damages which should be awarded. The 12 panel numbers and the case is brought before them would include defamation, false imprisonment, malicious prosecution and allegations of fraud.

In the county court the jury can be enabled for the same purposes as the high court but there is a difference in the number of jurors used it, the number of jurors is normally eight.

In the coroner's court, a jury is used in certain situations, the coroner's court deals with death situations and it's a unique court, it investigates depth and how it happened, it deals with deaths taking place in the following situations:

- In Prison
- In Police Custody
- Through an industrial accident (Whether Health and Safety is an issue)

The jury's function is too simply to decide the cause of death and any number of jurors can be used the boundaries are between seven and eleven jurors.

The main statutory authority is the "Juries Act 1974" there is also the "Criminal Law Act 1977" which remove rights of jury trial in a large number of cases by making most driving and criminal damage cases involving damage less than £2000 therefore they are now summary offence.

The government also removed theft of an amount of less than £20 from indictable to summary this was resisted in parliament. However since 1977 more and more offences have moved to summary trial e.g. Criminal Damage where property must be worth more than £5000 for a case can be tried by jury.

Selection of Jury

The selection of jury is random from the electro register this is done to provide a cross-section of population. After various checks are carried out a further selection is made by the Court Usher who draws the name out of a hat, he draws at least 15 names that are eventually sworn in at trial.

Those which are eligible:

- Must be on electro roll
- Must be at least eighteen
- Must have lived in UK for five years

Those on the roll and aged between sixty five and seventy have a choice to serve or not. Those aged over seventy do not qualify and some may be excused due to jobs or personal circumstances this group includes the judiciary workers (Barristers, Solicitors, Clerks), those involved in administration of justice (Police, Army, Solicitors, CPS and Sectaries involved with administration of justice), those who suffer from mental health, those on bail and anyone who has been in prison or received suspended prison sentence within the last ten years.