

**EXPLANATORY MEMORANDUM TO  
THE JURIES (AMENDMENT) REGULATIONS (NORTHERN IRELAND)  
2012**

**S.R 2012 No 407**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 This Statutory Rule is made under Article 30(1) of the Juries (Northern Ireland) Order 1996 (“the 1996 Order”) and is subject to negative resolution.

**2. Purpose**

- 2.1 The Regulations will update prescribed forms in the Juries (Northern Ireland) Regulations 1996 (“the 1996 Regulations”) to (i) take into account recent amendments to the 1996 Order in relation to persons disqualified from jury service; (ii) more precisely specify the term “medical practitioner” in the list of persons excusable as of right; and (iii) take into account earlier commencement of the legal year.

**3. Matters of special interest**

- 3.1 None.

**4. Background**

- 4.1 The 1996 Regulations prescribe forms in relation to jury service: the jury notice (Form 1); the form of return (Form 2); the jury summons (Form 3); and the notice to accompany a jury summons (Form 4).

*Persons disqualified from jury service*

- 4.2 Under the 1996 Order, persons convicted of criminal offences may be disqualified from jury service for various periods of time, depending on the type of sentence imposed. A person given a community service order is disqualified for ten years and a person given a probation order is disqualified for five years.
- 4.3 Community payback orders were introduced in Scotland in 2011. They are a new type of sentence, designed to deal with low-level offenders, and replacing probation orders and community service orders. Various requirements may be attached to such orders. A community payback order with an unpaid work or other activity requirement is the

equivalent of a community service order in Northern Ireland; and a community payback order that does not include an unpaid work or other activity requirement is the equivalent of a probation order in Northern Ireland.

- 4.4 Accordingly, the Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 [S.I. 2011/2298] amended the 1996 Order so as to disqualify from jury service in Northern Ireland persons subject to a community payback order as follows: for ten years for an order with an unpaid work or other activity requirement; and for five years for an order that does not include an unpaid work or other activity requirement.
- 4.5 Form 1 and Form 4 provide to would-be jurors lists of persons disqualified from jury service. These lists need to be updated to take into account the recent amendments in relation to community payback orders.

#### *Medical practitioners*

- 4.6 Among those excusable as of right from jury service under the 1996 Order are “medical practitioners”. The Courts and Tribunals Service, which is responsible for jury management, has requested more precise terminology. This is to address a concern that some people may interpret the term “medical practitioner” more widely than its precise meaning. The term relates, in lay terms, only to registered “doctors”, but some may consider it also to embrace those in allied health professions.
- 4.7 Form 1 and Form 4 provide to would-be jurors lists of persons excusable as of right from jury service. Having consulted the British Medical Association, it is proposed that these forms should specify “medical practitioners (registered with the General Medical Council)”.

#### *Early commencement of legal year*

- 4.8 The legal year has traditionally started on 1 September. In recent years, however, the Crown Court has begun sitting before this date. Coroners’ courts also sit before this date.
- 4.9 Form 1, Form 2 and Form 4 refer to, or seek information relating to, the year beginning 1 September. These forms need to be amended to refer instead to 1 July to reflect the earlier start to the legal year, ensuring that notices and summonses relate also to juries that are required before 1 September.

## **5. Consultation**

- 5.1 Due to the technical nature of the Regulations, which do not involve any change to policy, a consultation was not considered necessary.

## **6. Equality Impact**

6.1 The Regulations relate only to the content of jury forms and do not involve any change of policy. It was not considered necessary, therefore, formally to screen the draft Regulations for equality implications. There are no implications for equality of opportunity.

## **7. Regulatory Impact**

7.1 The Regulations relate only to the content of jury forms and do not have any regulatory impact. A regulatory impact assessment was not necessary.

## **8. Financial Implications**

8.1 The Regulations relate only to the content of jury forms and do not have any financial impact. No additional forms will need to be printed.

## **9. Section 24 of the Northern Ireland Act 1998**

9.1 The proposed Regulations are considered to be compliant with section 24 of the Northern Ireland Act 1998.

## **10. EU Implications**

10.1 There are no EU implications.

## **11. Parity or Replicatory Measure**

11.1 The Regulations are not a parity or replicatory measure.

## **12. Additional Information**

12.1 The amendments to the Order in relation to disqualification are already in force for those people given notice of jury service for the 2012-13 legal year. As forms have already had to be issued, these have been amended administratively, pending the amendment of the Regulations. This is permitted under the Interpretation Act (Northern Ireland) 1954 where changes do not materially affect the substance of the form and are not calculated to mislead.