

## **EXPLANATORY MEMORANDUM TO**

### **The Juries Regulations (Amendment) Order (Northern Ireland) 2016**

**S.R. 2016 No. 400**

#### **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. The Statutory Rule is made under section 6(2) and (3) of the Justice Act (Northern Ireland) 2015 ("the Act") and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. This Order amends regulation 4 of the Juries Regulations (Northern Ireland) 1996 (S.R. 1996 No.269) ("the 1996 Regulations") in consequence of Part 1 of the Act which created a single jurisdiction for the county courts and magistrates' courts by abolishing the statutory county court divisions and petty sessions districts into which Northern Ireland was historically divided.

#### **3. Background**

- 3.1. Under Part 1 of the Act, Northern Ireland has now been divided into three administrative court divisions by direction of the Department of Justice.
- 3.2. Under the Juries (Northern Ireland) Order 1996 ("the 1996 Order"), jurors are selected from divisional jurors' lists for jury service at courts within the division where they live. The 1996 Order was amended by Schedule 1 to the Act so that references to "divisions" are now references to administrative court divisions rather than county court divisions. Accordingly the divisional jurors' lists will now be compiled by reference to the new administrative court divisions.
- 3.3. The 1996 Order allows for the divisional jurors lists to be divided into Parts, as may be prescribed in regulations. Before Part 1 of the Act came into operation the divisional jurors list for Fermanagh and Tyrone – the largest county court division - was divided into two Parts by reference to the petty sessions districts in which the jurors lived. One Part was used to select jurors for Enniskillen court, while the other was used for all other courts in the division. The purpose of this system was to guard against jurors having to travel excessive distances to perform their service. In order to preserve similar protections under the single jurisdiction provisions, the 1996 Regulations were amended by S.R. 2016 No.317 so as to include a requirement that the divisional jurors lists would be divided into Parts, each containing the names of jurors living in local government wards specified in tables set out in the Schedule.
- 3.4. Since the making of that Statutory Rule, after consultation with the Lord Chief Justice, an adjustment has been made to the proposed boundary between the North Eastern and South Eastern administrative court

divisions. Accordingly the table which was to be used for the purpose of dividing the divisional jurors' lists will not now reflect the administrative court division boundaries.

- 3.5. The Department considered amending the tables to reflect the adjusted boundaries, but, on reflection, has concluded that a more appropriate solution would be to provide for the Department to divide the divisional jurors' lists into Parts by direction. This will mean that any future changes to the divisional boundaries, made administratively in accordance with section 2 of the Act, will not necessitate consequential amendment by subordinate legislation of the tables used to divide the divisional jurors' lists into Parts.
- 3.6. This Statutory Rule therefore proposes to further amend the 1996 Regulations so that the divisional jurors' lists may be divided into Parts as directed by the Department of Justice.
- 3.7. It is proposed that the Order will come into operation on 14 December 2016, which, in compliance with the 1996 Order, is when the divisional jurors' lists for the next year will be compiled.

#### **4. Consultation**

- 4.1. Consultation on the proposed content of the Statutory Rule took place with the Justice Committee on 10 November 2016.
- 4.2. A public consultation on the single jurisdiction proposals entitled "Redrawing the Map – A Consultation on Court Boundaries in Northern Ireland" was carried out in 2010, and the provisions were then consulted upon in the form of the Justice Committee's call for evidence during Committee Stage of the Act's passage through the Assembly. Proposals for three new administrative court divisions were included in a public consultation on the rationalisation of the court estate, early in 2015.
- 4.3. The amendment to the proposed boundaries between North Eastern Division and South Eastern Division has been agreed following statutory consultation with the Lord Chief Justice, required by section 2 of the Justice Act.
- 4.4. The Chief Electoral Officer, who is responsible for compiling the divisional jurors lists, has also been consulted and is content with the Department's proposal.

#### **5. Equality Impact**

- 5.1. No equality issues arise in relation to the proposed Order as it makes purely technical amendment to the process for determining the division into Parts of the divisional jurors lists.

#### **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment is not considered necessary. There will be no impact on business, charities or voluntary bodies.

#### **7. Financial Implications**

- 7.1. None.

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

- 8.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Order is not incompatible with the Convention rights, is not incompatible with European Union law, does not discriminate against a person or class of person on the grounds of religious belief or political opinion; and does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. None.

## **10. Parity or Replicatory Measure**

- 10.1. A similar system for selecting jurors names from the electoral registers exists in Great Britain, however this specific provision is unique to Northern Ireland.

## **11. Additional Information**

- 11.1. The Department considered whether it was more appropriate to use the regulation-making power provided under Article 30 of the 1996 Order or the Order-making power provided by section 6 of the Act to make these changes. Since the amendments are required for purposes connected with the creation of a single jurisdiction, it concluded that the Order-making power was the appropriate one.