

## EXECUTIVE NOTE

### THE JURORS' ALLOWANCES (SCOTLAND) REGULATIONS 2010 SSI 2010/424

1. The above instrument was made in exercise of the powers conferred by sections 24(1) and 32 of the Juries Act 1949(1). This is a general instrument, which is not laid and attracts no parliamentary procedure.

#### Policy Objectives

2. The Regulations form part of a suite of actions designed to modernise the Scottish jury system.

3. The new regulations will replace the Jurors' Allowances (Scotland) Regulations 1977. The new regulations introduce new bandwidths governing the daily rate of juror allowances and introduce an adult dependent carer allowance. The revision also gives the opportunity to refresh the regulations more generally. See paragraph 7, [Table 1](#) for details of the existing and revised rates for financial loss allowance and adult dependent carer allowance.

4. The new bandwidths will see the higher maximum allowances rate currently paid to jurors from the 11<sup>th</sup> day of a trial being paid, in future, from the 6<sup>th</sup> day and a new, higher maximum rate applying from the 101<sup>st</sup> day of a trial.

5. A new adult dependent carer allowance will be introduced, in line with existing allowances for childcare.

6. These changes will ensure that jurors who serve on the longest trials receive the highest level of recompense and the fulfilment of the civic duty of jury service does not place undue financial hardship on individuals.

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(1) 1949 c.27. Section 24(1) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55), section 28(1), Schedule 2, paragraph 3 and the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999, Schedule 2 (Part IV), paragraph 1. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

## Summary of Existing and Revised Rates

7. Table 1: Existing and Revised Rates for Financial Loss Allowance and Adult Dependent Carer Allowance

Allowance	Current rate	Revised rate (as set out in Jurors' Allowances (Scotland) Regulations 2010)
Financial loss allowance – first 5 days of service – up to 4 hours	£32.47 (rate for first 10 days, up to 4 hours)	£32.47
Financial loss allowance – first 5 days of service – more than 4 hours	£64.95 (rate for first 10 days, more than 4 hours)	£64.95
Financial loss allowance – 6 <sup>th</sup> to 100 <sup>th</sup> day of service	6 to 10 days - £64.95 11 to 100 days £129.91	£129.91
Financial loss allowance – 101 <sup>st</sup> day of service onwards	£129.91	£230
Adult dependent carer allowance	n/a	£6 per hour

## Consultation

8. A public consultation, *The Modern Scottish Jury in Criminal Trials*, took place from 18 September to 11 December 2008. The consultation gathered opinion on a range of potential changes to the jury system to make it more applicable to modern-day Scotland, including changes to the compensation system for jury service.

9. A full list of those consulted is attached to the consultation report published on the Scottish Government website, <http://www.scotland.gov.uk/Publications/2009/01/30113034/0>. It includes voluntary organisations (including Age Concern Scotland and Scottish Women's Aid), the judiciary, defence representatives, organisations representing medical and business professionals and the clergy.

10. The regulations have been drafted in consultation with the Scottish Court Service.

## Impact Assessments

11. The consultation posed a number of questions regarding levels of compensation for those who may suffer increased financial hardship as a result of serving on a jury, compensation for those who have carer responsibilities for a dependent adult and the inclusion of over-65s in criminal jury service. The regulations will ensure that jurors earning up to £45,000 per annum will not endure financial hardship due to jury service and the introduction of a dependent adult carer allowance seeks to recompense the increasing number of adults in society with carer responsibilities.

## Financial Effects

12. The additional costs associated with the changes to juror allowances are estimated at £110,000 per annum for the bandwidths and a minimal amount for the adult dependent care allowance. These costs should be seen in the wider context of savings expected from

abolishing the upper age limit for jurors, since many jurors over the age of 65 will not be eligible for financial loss allowance because they do not draw a salary or wage. The projected overall saving from removing the age limit is £230,000 per annum. The additional costs from the changes to juror allowances will, therefore, be subsumed within this saving.

Scottish Government  
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