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STATUTORY INSTRUMENTS

1996 No. 1141 (N.I. 6)

The Juries (Northern Ireland) Order 1996

24th April 1996

F1

F1 Order: functions transferred from Lord Chancellor to Department of Justice (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(1), [Sch. 17 para. 45](#) (with arts. 15(6), 28-31); S.I. 2010/977, [art. 1\(2\)](#)

Introductory

Title and commencement

1. This Order may be cited as the Juries (Northern Ireland) Order 1996 and shall come into operation on such day or days as the Lord Chancellor may by order appoint^{F2}.

F2 fully exercised by SR 1996/267

Interpretation

2.—(1) Subject to paragraph (4), the Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“Chief Electoral Officer” has the meaning assigned to it by section 130(1) of the Electoral Law Act (Northern Ireland) 1962;

“division” means a county court division specified under Article 3(1) of the County Courts (Northern Ireland) Order 1980 or such county court divisions or part of them as may be prescribed;

“the Divisional Jurors List” has the meaning given by Article 4(6) ;

“elector” means a local elector as defined in the Electoral Law Act (Northern Ireland) 1962;

“fixed”, in relation to a fee, means fixed in accordance with section 116(1) of the Judicature (Northern Ireland) Act 1978;

“Juries Officer” in relation to a division means such member of the Northern Ireland Court Service as the Lord Chancellor may designate to be the Juries Officer for that division and different persons may be designated to be the Juries Officer for the purposes of different provisions of this Order;

“the Jurors List” has the meaning given by Article 4(9);

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“jury service” means service on any jury for the trial of any issue, civil or criminal, joined in and triable by any court in Northern Ireland in which such issues are required to be tried by a jury and on any inquiry to be taken or made by or before any master in the^{F3} Supreme Court and references to “juror” and “jury” shall be construed accordingly;

“officer of the court” means a member of the Northern Ireland Court Service;

“prescribed” means prescribed by regulations made by the Lord Chancellor under Article 30;

“register of electors” means the last published copy of the register referred to in section 9(1) (b) of the Representation of the People Act 1983 (register of local electors);

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“talesman” means any juror selected under Article 18.

(3) For the purposes of this Order a person is between two particular ages if he has attained the first but not the second.

(4) For the purposes of this Order section 24 of the Interpretation Act (Northern Ireland) 1954 (service of documents) shall have effect with the omission of the word “registering” in subsection (1).

F3 prosp. subst. by 2005 c. 4

Qualification for jury service

Qualification for jury service

3.—(1) Subject to paragraphs (2) to (4), every person who is aged between 18 and 70 years and is registered as an elector is qualified and liable for jury service.

(2) The persons described in Schedule 1 are disqualified for jury service.

(3) The persons described in Schedule 2 are ineligible for jury service.

(4) A person who is on bail in connection with an offence shall not be qualified for jury service in the Crown Court.

(5) A person who—

(a) knowingly serves as a juror when he is disqualified for jury service; or

(b) knowingly serves as a juror in the Crown Court when he is not qualified for jury service as mentioned in paragraph (4),

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Preparation of Jurors Lists

Preparation of Jurors Lists

4.—(1) In each year, on any day within the period of 14 days immediately preceding^{F4} 15th December] in that year, the Chief Electoral Officer shall arrange for the selection by computer, in accordance with paragraph (2), from the register of electors a sufficient number of jurors for the purpose of empanelling such juries as may from time to time be required.

(2) In each year, for the purpose of selecting the required number of jurors from the register of electors, the computer shall be programmed—

(a) to select every xth elector (where x is a number fixed by the Chief Electoral Officer having regard to the required number of jurors); and

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(b) not to select those electors—

- (i) whose names have been furnished by the several Juries Officers as being disqualified or ineligible for jury service or excused from jury service under Article 24, or
- (ii) who have been selected in the preceding *y* years (where *y* is a number fixed by the Chief Electoral Officer, having regard to the required number of jurors).

(3) The Chief Electoral Officer shall arrange to be sent to the Juries Officer for each division a list of those persons selected who reside in the division and the Juries Officer shall serve the prescribed notice and the prescribed form of return on every person ^{F5} . . . included in the list.

[^{F6}(3A) The list referred to in paragraph (3) shall include the following information in respect of each person included in it—

- (a) the person's full name;
- (b) the person's address;
- (c) the person's date of birth; and
- (d) the person's national insurance number or a statement that he does not have one.]

(4) The notice served under paragraph (3) shall—

- (a) state the effect of Articles 3, 10 and 25 and Schedules 1, 2 and 3; and
- (b) require the person on whom it is served to fill up the form of return in the prescribed manner and return the form within 14 days to the Juries Officer for the division in which that person resides.

(5) The Juries Officer, after considering the returns made under paragraph (4)(b) and such other matters as he thinks appropriate, shall revise the list referred to in paragraph (3).

(6) The list referred to in paragraph (3) as revised by the Juries Officer shall be and be known as “the Divisional Jurors List” ^{F7}

(7) The Divisional Jurors List shall contain the [^{F8}following information in respect] of each juror in that division qualified and liable for jury service in that year.

- [^{F9}(a) the person's full name;
- (b) the person's address;
- (c) the person's date of birth;
- (d) the person's national insurance number or a statement that he does not have one; and
- (e) subject to paragraph (10)(b), the person's occupation.]

(8) The Divisional Jurors List shall contain such other particulars and be arranged in such form (including division into Parts whether by reference to the area of jurisdiction of any court or courts or otherwise) as may be prescribed.

(9) The several Divisional Jurors Lists shall collectively form the Jurors List for Northern Ireland (to be known as “the Jurors List”).

(10) Regulations under Article 30 may amend this Article as to—

- [^{F10}(a) the day and period mentioned in paragraph (1), and]
- (b) the requirement in paragraph (7) for the Divisional Jurors List to contain the occupation of each juror,

and may prescribe any other particulars which the Divisional Jurors List shall contain and the form of that List (including its division into Parts whether by reference to the area of jurisdiction of any court or courts or otherwise).

(11) In this Article—

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“computer” means any device for storing and processing information; and
“year” means calendar year.

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| F4 | SR 2003/474 |
| F5 | Words in art. 4(3) repealed (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 11(2), 50, 53(4)(5), Sch. 7 ; S.I. 2007/2045, art. 2(2) |
| F6 | Art. 4(3A) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 11(3) , 53(4); S.I. 2007/2045, art. 2(2) |
| F7 | Words in art. 4(6) repealed (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 10(2), 50, 53(4)(5), Sch. 2 para. 2(1)(a) , Sch. 7 ; S.I. 2007/2045, art. 2(2) |
| F8 | Words in art. 4(7) substituted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 11(4)(a) , 53(4); S.I. 2007/2045, art. 2(2) |
| F9 | Art. 4(7)(a)-(e) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 11(4)(b) , 53(4); S.I. 2007/2045, art. 2(2) |
| F10 | Art. 4(10)(a) substituted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 10(2), 53(4), Sch. 2 para. 2(1)(b) ; S.I. 2007/2045, art. 2(2) |

Empanelling of jurors

Selection of names

5.—(1) Where a court is to be held before which jurors may be required, the Juries Officer shall select a sufficient number of names from the Jurors List and prepare a panel of those names.

(2) A person's name shall not be included in the panel unless his name appears in the Jurors List for the current year, but if there is no Jurors List in existence for the current year, jurors may be selected from the Jurors List for the next preceding year.

(3) Subject to paragraph (4), there shall be no restriction on the places in Northern Ireland at which a juror may be required to attend for jury service.

(4) In preparing a panel of jurors to be summoned to attend for jury service at a particular court or place—

- (a) the Juries Officer shall, in the first instance, take the names of the jurors in numerical order from the Divisional Jurors List for the division in which that court or place is situated;
- (b) if, taking names in accordance with sub-paragraph (a), the Juries Officer exhausts the Divisional Jurors List for the division in which that court or place is situated, he shall select such other jurors as may be required in numerical order from any one or more of the other Divisional Jurors Lists, but in so doing he shall have regard to the convenience of the persons to be summoned and to their respective places of residence, and in particular to the desirability of selecting, so far as is reasonably practicable, jurors who reside within convenient daily travelling distance of that place.

(5) If the place of trial of a person on indictment is not situated within a relevant division the Crown Court may direct the Juries Officer to prepare a panel of jurors under paragraph (4) for the purposes of that trial as if references to the Divisional Jurors List for the division in which that court or place is situated were references to the Divisional Jurors List for a relevant division.

(6) In paragraph (5) “relevant division” means—

- (a) a division for which a relevant magistrates' court acts;
- (b) in a case where the indictment falls within paragraph (c), (d), (e) or (f) of section 2(2) of the Grand Jury (Abolition) Act (Northern Ireland) 1969, a division in which an offence charged in the indictment was committed.

(7) In paragraph (6)(a) “relevant magistrates' court” means a magistrates' court—

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- (a) which committed that person for trial; or
- (b) which received a notice of transfer within the meaning of Article 3(1)(c) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (transfer of serious fraud cases to Crown Court) or Article 4(1) of the Children's Evidence (Northern Ireland) Order 1995 (certain cases involving children).

Form of panel

6.—(1) The panel shall contain the full names of the persons selected ^{F11} . . . , arranged [^{F12}(and assigned numbers)] in the order in which the names are selected from the Jurors List.

[^{F13}(1A) The panel shall include the following information in respect of each of the persons selected—

- (a) the person's address;
- (b) the person's date of birth;
- (c) the person's national insurance number or a statement that he does not have one; and
- (d) (subject to Article 4(10)(b)) the person's occupation.]

(2) When the Juries Officer selects names in accordance with Article 5 he shall inscribe the date of selection and the court for which the names are selected opposite each of those names in the proper column of the Jurors List and shall initial in that list the names selected by him.

F11 Words in art. 6(1) repealed (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 11(5), 50, 53(4)(5), Sch. 7; S.I. 2007/2045, art. 2(2)

F12 Words in art. 6(1) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 10(2), 53(4), Sch. 2 para. 4(1); S.I. 2007/2045, art. 2(2)

F13 Art. 6(1A) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 11(6), 53(4); S.I. 2007/2045, art. 2(2)

Inspection of panel

7. ^{F14}

F14 Art. 7 repealed (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 10(2), 50, 53(4)(5), Sch. 2 para. 2(2), Sch. 7; S.I. 2007/2045, art. 2(2)

Summoning of jurors

Summoning of jurors

8.—(1) Jurors whose names are included in a panel shall be summoned by the Juries Officer to attend at such court or place, on such occasions and at such times as are specified in the jury summons.

[^{F15}(1A) But if the Juries Officer is satisfied, as a result of a check undertaken by an officer of the court for the purpose, that a juror whose name is included in a panel is—

- (a) disqualified for jury service; or
- (b) not qualified for jury service in the court to be specified in the jury summons,

the Officer shall not summon the juror under paragraph (1).]

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(2) Every jury summons shall be served at least ten days before the day on which the juror is required to attend and shall be accompanied by a notice stating the effect of Articles 3, 10 and 26 and Schedules 1, 2 and 3.

(3) If it appears to the Juries Officer, at any time before the first day on which a juror is required by a jury summons to attend, that his attendance is unnecessary, or can be dispensed with on any particular day or days, the Juries Officer may withdraw or alter the jury summons by notice.

F15 Art. 8(1A) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 12, 53(4); S.I. 2007/2045, art. 2(2)

Procedure for ascertaining attendance of jurors

9.—(1) For the purpose of aiding the Juries Officer in ascertaining the persons who when summoned to attend as jurors have not so attended, at the commencement of the sitting of a court to which persons are summoned as jurors or as soon thereafter as is convenient an officer of the court shall, whether or not there is any business requiring the empanelling of a jury, call over the panel prepared by the Juries Officer and mark on it the names of all jurors who attended and answered when called.

[^{F16}(1A) No person may be present in the court while the call over of the panel is conducted under paragraph (1) apart from—

- (a) the judge of any court;
- (b) the persons summoned to attend as jurors;
- (c) the officer calling over the panel or any other officer of the court;
- (d) a court security officer;
- (e) any other person authorised for the purpose by the judge of any court.]

(2) Immediately after the termination of the sitting the officer shall return a copy of the panel marked in accordance with paragraph (1) to the Juries Officer who shall thereupon mark on the Jurors List the names of the jurors who attended in obedience to the jury summons.

F16 Art. 9(1A) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 10(2), 53(4), Sch. 2 para. 3; S.I. 2007/2045, art. 2(2)

Excusing of jurors

10.—(1) The judge of any court may, if he thinks fit, divide into two or more sections any panel of jurors returned to that court, and may excuse from attendance on any specified days during the sitting of the court all of the jurors whose names appear in any one or more of the sections.

(2) Where a person summoned to serve as a juror applies to be excused from such service during the entire sitting or in respect of a particular period or trial, the judge of any court—

- (a) if satisfied that the person is among the persons described in Schedule 3, shall, or
- (b) if satisfied that there is good reason to do so, may,

excuse that person from service during that sitting or in respect of such period or trial as the judge thinks fit.

(3) Where a person summoned to serve as a juror applies for his service as a juror to be deferred, the judge may defer his service as a juror and the jury summons shall have effect subject to such amendments as the judge may direct.

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(4) If an application under paragraph (3) has been granted or refused the power conferred by that paragraph shall not be exercised subsequently in relation to the same jury summons.

(5) The powers exercisable by the judge of any court under paragraphs (1) to (3) may also be exercised before the sitting of the court by any person who would have jurisdiction to act as judge of that court.

(6) The judge by whom the powers conferred by paragraphs (1) to (5) are exercised may give such directions as he may deem proper for enabling those powers to be effectively exercised and it shall be the duty of all the persons concerned to comply with those directions.

(7) Rules of court and Crown Court rules may provide that the powers of a judge under this Article may be exercised by such officer of the court as may be specified in those rules.

Discharge of jury summons

11.—(1) Where, on the calling over of the panel or otherwise, the judge of any court is satisfied that a person summoned as a juror is—

(a) disqualified or ineligible for jury service; or

(b) not qualified for jury service in the court specified in the jury summons,

the judge shall discharge the summons and cause the Juries Officer to be informed.

(2) Where it appears to an officer of the court that a person summoned as a juror is as described in sub-paragraph (a) or (b) of paragraph (1), the officer shall inform a judge.

(3) Rules of court and Crown Court rules may provide that the powers of a judge under paragraph (1) may be exercised by such officer of the court as may be specified in those rules.

(4) Where it appears to an officer of the court in the case of a person summoned as a juror that on account of physical disability there is doubt as to his capacity to act effectively as a juror, the person may be brought before a judge.

(5) The judge shall determine whether or not a person brought before him under paragraph (4) should act as a juror; but the judge shall affirm the jury summons unless he is of the opinion that the person will not, on account of his disability, be capable of acting effectively as a juror, in which case he shall discharge the summons.

Balloting of jurors

Balloting of jurors

12.—(1) The jury to try any issue shall be selected by ballot in open court from the panel, or a section of the panel, of persons summoned to attend for jury service at the time and place in question.

[^{F17}(1A) The ballot shall be conducted using the numbers assigned to the persons on the panel, or the section of the panel, in accordance with Article 6(1) (and not by using their names).]

(2) Without prejudice to Article 18, the jurors whose [^{F18}numbers] are selected by ballot shall, subject to all just challenges and objections, be the jurors to try the issues for which they are summoned.

(3) Subject to any statutory provision, where a jury has tried, or been selected to try, an issue, the court, with the consent of both parties to any other issue, may—

(a) try that other issue with that jury; or

(b) set aside any member of that jury whom the parties consent to withdraw or who is justly challenged or is excused by the court and, another member having been selected by ballot, try that other issue with the jury as so reconstituted;

and the powers conferred by this paragraph may be exercised so long as any issue remains to be tried.

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F17 Art. 12(1A) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 10(2), 53(4), **Sch. 2 para. 4(2)**; S.I. 2007/2045, **art. 2(2)**

F18 Word in art. 12(2) substituted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 10(2), 53(4), **Sch. 2 para. 4(3)**; S.I. 2007/2045, **art. 2(2)**

Challenges

Challenge to the panel

13. No challenge to the panel shall be allowed for any cause except partiality, fraud or wilful misconduct of the Juries Officer.

Challenges in civil cases

14.—(1) Where an action or issue therein is to be tried in the High Court with a jury, any challenge to the panel or to any jurors for cause shall be tried by the judge.

(2) In the High Court the plaintiff and the defendant may respectively challenge not more than six jurors without cause.

(3) If there is more than one plaintiff or defendant, the total number of challenges without cause by the plaintiffs on the one hand or by the defendants on the other shall not exceed six.

Challenges in criminal cases

15.—(1) A person arraigned on indictment may challenge—

(a) ^{F19}

(b) any juror or jurors for cause.

(2) The prosecution [^{F20}may challenge any juror or jurors] for cause.

(3) Any challenge to jurors for cause shall be tried by the judge before whom the accused is to be tried.

(4) The judge may at the request of the Crown, but not of a private prosecutor, order any juror to stand by until the panel has been gone through.

[^{F21}(5) In addition and without prejudice to any powers which the court may possess to order the exclusion of the public from any proceedings, the judge may order that the hearing of a challenge for cause shall be in camera or in chambers.]

F19 Art. 15(1)(a) and word repealed (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 13(2), 50, 53(4)(5), **Sch. 7**; S.I. 2007/2045, **art. 2(2)**

F20 Words in art. 15(2) substituted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 13(3)**, 53(4); S.I. 2007/2045, **art. 2(2)**

F21 Art. 15(5) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 13(4)**, 53(4); S.I. 2007/2045, **art. 2(2)**

Challenge for name not being on Jurors List

16.—(1) ^{F22}

(2) ^{F22}

(3) ^{F22}

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(4) If any person whose name is not contained in the Jurors List is empanelled and sworn as a juror without objection, the trial shall not be interrupted or deemed a mistrial on account of the service of that juror.

F22 Art. 16(1)-(3) repealed (1.8.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\), ss. 10\(2\), 50, 53\(4\)\(5\), Sch. 2 para. 2\(3\), Sch. 7; S.I. 2007/2045, art. 2\(2\)](#)

Restrictions on right of challenge

17.—(1) ^{F23} . . . Want of qualification shall not be a cause of challenge to any person whose name is on the Jurors List.

(2) No challenge shall be taken to any juror on the ground that he was not duly summoned.

(3) For the purposes of any proceedings to be had before a jury, the Jurors List from which the jurors have been empanelled shall be conclusively presumed to have been prepared in accordance with this Order.

F23 Words in art. 17(1) repealed (1.8.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\), ss. 10\(2\), 50, 53\(4\)\(5\), Sch. 2 para. 2\(4\), Sch. 7; S.I. 2007/2045, art. 2\(2\)](#)

Additional powers of the court

Selection of additional jurors

18.—(1) If, by reason of the non-attendance of jurors or of any challenge, there are insufficient jurors to form a jury, the court shall direct the Juries Officer to nominate, as often as necessary, twelve (in the case of the Crown Court) or seven (in the case of the High Court) other persons who are present or otherwise available to serve on the jury.

(2) From the persons nominated in accordance with paragraph (1) there shall be selected by ballot and added to the jurors summoned in accordance with Article 8 a sufficient number of persons to make up a jury.

[^{F24}(2A) A ballot under paragraph (2) shall be conducted using numbers assigned to the nominated persons (and not by using their names).]

(3) Nothing in this Article shall prejudice the right of the Crown or any person to challenge the jurors selected under this Article.

(4) The court shall proceed to the trial of the issue with the jurors summoned under Article 8, together with the talesmen, as if all the jurors had been summoned in accordance with that Article.

F24 Art. 18(2A) inserted (1.8.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\), ss. 10\(2\), 53\(4\), Sch. 2 para. 4\(4\); S.I. 2007/2045, art. 2\(2\)](#)

Views

19. Rules of court and Crown Court rules may make provision as respects views by jurors.

Separation and detention of jurors

20.—(1) In the course of a criminal trial the judge may at any time (whether before or after the jury has been directed to consider its verdict) permit the jury to separate.

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(2) In the course of the trial in the High Court of any action or issue therein the jury may in the discretion of the judge be detained during an adjournment of the court (other than an adjournment at the termination of proceedings for the day).

Continuance of criminal trial on death or discharge of juror

21.—(1) Where in the course of a criminal trial any member of the jury dies or is discharged by the court as being incapable of continuing to act through illness or for any other cause, but the number of its members is not reduced below nine, the jury shall nevertheless, subject to paragraphs (2) and (3), be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a verdict may be given accordingly.

(2) On a trial for any offence punishable with death paragraph (1) shall not apply on the death or discharge of any member of the jury unless assent to its then applying is given in writing by or on behalf of both the prosecution and the accused or each of the accused.

(3) Notwithstanding paragraph (1), on the death or discharge of a member of the jury in the course of a criminal trial the judge may discharge the jury in any case where the judge sees fit to do so.

Discharge in civil proceedings

22.—(1) The judge may at his discretion at any stage in the course of the trial in the High Court of any action or any issue therein discharge the jury or any member or members thereof.

(2) Where in the course of such a trial the jury is discharged, the trial may with the consent of the parties be continued without a jury.

(3) Where in the course of such a trial any member of the jury dies or is discharged by reason of illness or any other cause, the jury shall at the discretion of the judge, so long as the number of its members is not reduced below six, and may with the consent of the parties so long as the number of its members is not reduced below four, be considered as remaining for all purposes properly constituted.

Refreshment of jurors

23. Jurors, after having been sworn, may, in the discretion of the judge, be provided, free of charge, with reasonable refreshment (including meals) at any time before giving their verdict.

Excusing of jurors from jury service at end of exceptionally exacting trial

24. At the conclusion of a trial of an exceptionally exacting nature, the judge may direct that the members of the jury be excused from further jury service for such period as he thinks fit.

Offences

Failure to fill up and return form of return

- 25.** Any person, required by notice under Article 4 to fill up and return a form of return, who—
- (a) refuses, or without lawful excuse neglects, to fill up or cause to be filled up the form of return to the best of his knowledge and belief; or
 - (b) wilfully makes or causes to be made any false return of any matter specified in the form; or
 - (c) refuses, or without lawful excuse neglects, to return the form of return or cause it to be returned within 14 days to the Juries Officer for the division in which he resides;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Defaulting jurors

26.—(1) Where without reasonable excuse—

- (a) any person duly summoned to attend on a jury does not attend in pursuance of the jury summons; or
- (b) any person duly summoned to attend on a jury or any talesman—
 - (i) (whether or not he is present) fails to appear after having
 - (ii) wilfully withdraws himself from the presence of the court after having appeared,

the court may impose on him a fine not exceeding £1,000.

(2) Section 35 of the Criminal Justice Act (Northern Ireland) 1945 (powers of Crown Court in relation to fines, etc.) shall apply to fines imposed under this Article by any court as it applies to fines imposed by the Crown Court.

Restriction on disclosure of juror information

^{F25}26A.—(1) A person to whom any of paragraphs (2) to (7) applies must not disclose juror information (see Article 26C) except with lawful authority (see Article 26B).

(2) This paragraph applies to a person—

- (a) who is or has been an electoral officer or a court official (see Article 26C); and
- (b) who obtained the juror information in the course of his functions as an electoral officer or court official.

(3) This paragraph applies to a person—

- (a) who is or has been a person providing services to the Northern Ireland Court Service or the employee of such a person; and
- (b) who obtained the juror information for or in connection with the provision of services to the Court Service.

(4) This paragraph applies to a person—

- (a) who is or has been a member of the police service (see Article 26C); and
- (b) who obtained the juror information for or in connection with the making of checks, in accordance with jury check guidelines (see Article 26C), on the person to whom the information relates.

(5) This paragraph applies to any person, other than a court official or a member of the police service, to whom the juror information was disclosed in accordance with jury check guidelines.

(6) This paragraph applies to a person—

- (a) who is or has been a juror or summoned as a juror; and
- (b) who obtained the juror information as a result of having been a juror or summoned as a juror;

but this paragraph does not apply to a person in so far as the juror information is information about himself.

(7) This paragraph applies to a person who knows, or ought reasonably to have known, that the juror information had previously been disclosed in contravention of paragraph (1).

(8) A person who contravenes paragraph (1) shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;

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(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(9) It shall be a defence for a person charged with an offence under this Article to prove that he reasonably believed that the disclosure by him was lawful.]

F25 Arts. 26A- 26C inserted (1.8.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\)](#), **ss. 10(1), 53(4)** (with [s. 10\(3\)](#)); [S.I. 2007/2045](#), **art. 2(2)**

Disclosure of juror information: lawful authority

[^{F25}**26B.**—(1) For the purposes of Article 26A, juror information is disclosed with lawful authority if any of paragraphs (2) to (9) applies to the disclosure.

(2) This paragraph applies to a disclosure by an electoral officer—

- (a) to another electoral officer; or
- (b) in accordance with Article 4.

(3) This paragraph applies to a disclosure by a court official—

- (a) to another court official;
- (b) to the judge of any court; or
- (c) to a juror or a person summoned as a juror.

(4) This paragraph applies to a disclosure—

- (a) to a person providing services to the Northern Ireland Court Service; or
- (b) to the employee of such a person,

for or in connection with the provision of services to the Court Service.

(5) This paragraph applies to a disclosure—

- (a) by a person providing services to the Northern Ireland Court Service; or
- (b) by the employee of such a person,

if the disclosure is required or authorised to be made by an officer of the court (see Article 2(2)) for or in connection with the provision of services to the Court Service.

(6) This paragraph applies to a disclosure—

- (a) by an officer of the court to a member of the police service;
- (b) by a member of the police service to another member of the police service; or
- (c) by a member of the police service to an officer of the court,

for or in connection with the making of checks, in accordance with jury check guidelines, on the person to whom the juror information relates.

(7) This paragraph applies to a disclosure to a person other than a member of the police service or an officer of the court if the juror information is disclosed in accordance with jury check guidelines.

(8) This paragraph applies to a disclosure for the purposes of criminal proceedings (but not for the purposes of any proceedings in relation to which the person to whom the juror information relates may be, is, or has been, a juror).

(9) This paragraph applies to a disclosure made with leave of a court.]

F25 Arts. 26A- 26C inserted (1.8.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\)](#), **ss. 10(1), 53(4)** (with [s. 10\(3\)](#)); [S.I. 2007/2045](#), **art. 2(2)**

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Interpretation of Articles 26A and 26B

- [^{F25}26C.—(1) This Article applies for the purposes of Articles 26A and 26B.
- (2) “Court official” means—
- (a) an officer of the court (see Article 2(2)); or
 - (b) a court security officer.
- (3) “Electoral officer” means—
- (a) the Chief Electoral Officer for Northern Ireland; or
 - (b) a person to whom any of his functions are delegated under section 14A(2) of the Electoral Law Act (Northern Ireland) 1962 or Article 9(2) of the Electoral Law (Northern Ireland) Order 1972.
- (4) “Juror information” means information which identifies (or from which it is possible to identify) a particular person as being or as having been—
- (a) a juror;
 - (b) listed on any Divisional Jurors List or on any panel prepared under Article 5; or
 - (c) selected for inclusion on any such List under Article 4(1) and (2).
- (5) “Jury check guidelines” means guidelines issued by the Attorney General relating to the making of additional checks on jurors and the exercise by the Crown of its right under Article 15(4).
- (6) “Member of the police service” means—
- (a) a member of the Police Service of Northern Ireland;
 - (b) a member of the Police Service of Northern Ireland Reserve;
 - (c) a member of the police support staff (within the meaning of the Police (Northern Ireland) Act 2000).]

F25 Arts. 26A- 26C inserted (1.8.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\)](#), **ss. 10(1), 53(4)** (with [s. 10\(3\)](#)); [S.I. 2007/2045](#), **art. 2(2)**

Miscellaneous and supplementary

Juror's oath

27.—(1) The Lord Chancellor may by order provide that the oath administered to and taken by a juror in any court specified in the order shall be in such form as may be so specified.

(2) An order under paragraph (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

(3) Paragraph (1) is without prejudice to the provisions of the Oaths Act 1978.

Payments to be made in respect of jury service

28.—(1) Subject to the following provisions of this Article, a person who serves as a juror shall be entitled, in respect of his attendance at court for the purpose of performing jury service, to receive payments, at rates determined by the Lord Chancellor with the consent of the Treasury and subject to any prescribed conditions, by way of allowance—

- (a) for travelling and subsistence; and
- (b) for financial loss, where in consequence of his attendance for that purpose he has incurred any expenditure (otherwise than on travelling and subsistence) to which he would not

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otherwise be subject or he has suffered any loss of earnings, or of benefit under the enactments relating to social security, which he would otherwise have made or received.

(2) The determination of the amounts payable to persons under paragraph (1) and the manner of making those payments shall be in accordance with arrangements made by the Lord Chancellor.

(3) In paragraph (1) “prescribed” means prescribed with the consent of the Treasury; and for the purposes of that paragraph a person who, in obedience to a summons to serve on a jury, attends for service as a juror shall be deemed to serve as a juror notwithstanding that he is not subsequently sworn.

(4) No person shall be entitled under any statutory provision other than this Order or under any rule of law, custom or agreement to payment for his service as a juror.

Modifications etc. (not altering text)

- C1** Art. 28(1): functions transferred from the Treasury to Department of Finance and Personnel (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(4)(h)** (with arts. 15(6), 28-31); S.I. 2010/977, art. **1(2)**
- C2** Art. 28(3): functions transferred from the Treasury to Department of Finance and Personnel (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(4)(h)** (with arts. 15(6), 28-31); S.I. 2010/977, art. **1(2)**

Certain formal defects not to invalidate verdict or finding

29. No verdict or finding in any proceedings whatsoever (whether criminal or civil) shall be invalidated or impeached by reason only that a person who was sworn as a member of or served on the jury in those proceedings was—

- (a) disqualified, ineligible or not qualified for serving; or
- (b) misnamed or misdescribed;

or that his name was not contained in the Jurors List.

Regulations

30.—(1) The Lord Chancellor may make regulations for the purposes of this Order and may in particular prescribe anything which is to be prescribed under any provision of this Order and such regulations may make provision for forms to be used for the purposes of this Order.

(2) Regulations made under this Order shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

Coroners' juries

31.—(1) This Order, except Articles 12 to 22, shall apply to coroners' juries.

(2) The provisions of this Order which apply to coroners' juries shall have effect subject to the modifications set out in Part I of Schedule 4 and to such other modifications as are required for the purposes of paragraph (1).

(3) The Coroners Act (Northern Ireland) 1959 shall be amended in accordance with Part II of Schedule 4.

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Amendments, repeals and saving

32.—(1) In section 1 of the Criminal Procedure (Majority Verdicts) Act (Northern Ireland) 1971, for subsection (1) there shall be substituted the following subsection—

“(1) Subject to the following provisions of this section, the verdict of a jury in criminal proceedings need not be unanimous if—

(a) in a case where there are not less than eleven jurors, ten of them agree on the verdict; and

(b) in a case where there are ten jurors, nine of them agree on the verdict.

(1A) A verdict agreed upon as described in subsection (1) is in this section referred to as “a majority verdict”.”

(2) In Schedule 5 to the Fines and Penalties (Northern Ireland) Order 1984 (fines or other sums that may be altered by order of the Secretary of State) there shall be added at the end the following entry—

“Juries (Northern Ireland) Order 1996 (NI)	Article 26 (defaulting jurors)	£1,000” .
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Para. (3)—Repeals

(4) Nothing in this Order except Articles 14(1) and 22 shall prejudice any power to make rules of court.

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SCHEDULES

SCHEDULE 1

Article 3(2).

PERSONS DISQUALIFIED FOR JURY SERVICE

1. Any person who has at any time been convicted by a court in the United Kingdom, the Channel Islands or the Isle of Man and sentenced—
 - (a) to imprisonment for life or for a term of five years or more; or
 - (b) to be detained during Her Majesty's pleasure or during the pleasure of the Secretary of State or during the pleasure of the Governor of Northern Ireland.

2. Any person who at any time in the last ten years has in the United Kingdom or the Channel Islands or the Isle of Man—
 - (a) served any part of a sentence of imprisonment or detention; or
 - (b) been detained in a young offenders centre;
 - (c) had passed on him or (as the case may be) made in respect of him a suspended sentence of imprisonment or order for detention; or
 - (d) had made in respect of him a community service order.

3. Any person who at any time in the last five years has, in the United Kingdom or the Channel Islands or the Isle of Man, been placed on probation.

SCHEDULE 2

Article 3(3).

PERSONS INELIGIBLE FOR JURY SERVICE

Persons concerned with the administration of justice

Persons holding or who have at any time held any paid, judicial, or other office belonging to any court of justice in Northern Ireland.

[^{F26}Lay magistrate.]

F26 2002 c. 26

F26 2002 c. 26

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Justices of the peace.

F27 . . .

F27 2002 c. 26

F27 2002 c. 26

The Chairman or President, the Vice-Chairman or Vice-President and the registrar and assistant registrar of any Tribunal.

Barristers at law and solicitors whether or not in actual practice as such.

Solicitors' clerks.

Students of the Inn of Court of Northern Ireland or of the Law Society of Northern Ireland.

[^{F28}The Director of Public Prosecutions for Northern Ireland, the Deputy Director of Public Prosecutions for Northern Ireland and the members of staff of the Public Prosecution Service for Northern Ireland.]

F28 2002 c. 26

F28 2002 c. 26

[^{F29}The Chief Inspector of Criminal Justice in Northern Ireland and the members of his staff.]

F29 Sch. 2: entry substituted (3.4.2006) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 85(1), 87(1), Sch. 12 para. 53(3); S.R. 2006/124, art. 2, Sch. paras. 8, 10(b)

F29 Sch. 2: entry substituted (3.4.2006) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 85(1), 87(1), Sch. 12 para. 53(3); S.R. 2006/124, art. 2, Sch. paras. 8, 10(b)

Officers of the Northern Ireland Office or of the Lord Chancellor's Department.

VALID FROM 12/04/2010

[^{F30}Officers of the Department of Justice]

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F30 Sch. 2: entry inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 152(5)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F30 Sch. 2: entry inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 152(5)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

Members of the Northern Ireland Court Service.

[^{F31}Court security officers.]

F31 2002 c. 26

F31 2002 c. 26

Governors, chaplains and other officers of, and members of [^{F32} independent monitoring boards] for, the following establishments—

- (a) a prison within the meaning of the Prison Act (Northern Ireland) 1953;
- [^{F33}(b) a juvenile justice centre or attendance centre within the meaning of the Criminal Justice (Children) (Northern Ireland) Order 1998; or]
- (c) a remand centre or young offenders centre within the meaning of the Treatment of Offenders Act (Northern Ireland) 1968.

F32 2005 NI 15
F33 1998 NI 9

F32 2005 NI 15
F33 1998 NI 9

The warden or a member of the staff of a bail hostel as defined in Article 2(2) of the Probation Board (Northern Ireland) Order 1982.

Members of the Probation Board for Northern Ireland.

Probation officers and persons appointed to assist them.

A person appointed for the purposes of Article 7(6) of the Treatment of Offenders (Northern Ireland) Order 1976.

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[^{F34}Police officers and any other person employed in any capacity by virtue of which he has the powers and privileges of a constable.]

F34 2000 c. 32

F34 2000 c. 32

[^{F35}Members and staff of the Policing Board.]

F35 2000 c. 32

F35 2000 c. 32

^{F36}
.....

F36 Sch. 2: entry repealed (1.4.2006) by *Serious Organised Crime and Police Act 2005* (c. 15), ss. 59, 174(2), 178(8), Sch. 4 para. 88, Sch. 17 Pt. 2; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(aa) (with art. 4(2)-(7))

[^{F37}The Police Ombudsman for Northern Ireland and persons employed by him.]

F37 1998 c. 32

F37 1998 c. 32

Persons in charge of, or employed in, a forensic science laboratory.

Prisoner custody officers within the meaning of section 122(1) of the Criminal Justice and Public Order Act 1994.

Members and employees of the Criminal Cases Review Commission.

Persons who at any time within the past ten years have been persons falling within any of the foregoing descriptions (except the first) of persons concerned with the administration of justice.

The Forces

Persons serving on full pay as members of any of the naval, military or air forces of the Crown raised in the United Kingdom.

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Members of the Royal Irish Regiment.

Other persons

Persons suffering from mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986.

Persons unable to understand the English language.

SCHEDULE 3

Article 10(2).

PERSONS EXCUSABLE FROM JURY SERVICE AS OF RIGHT

Parliament

Peers and peeresses entitled to receive writs of summons to attend the House of Lords.

Members of the House of Commons.

Northern Ireland Assembly

Members of the Northern Ireland Assembly.

Officers and servants of the Northern Ireland Assembly.

^{F38}Scottish Parliament and Scottish Executive

F38 Words in Sch. 3 inserted (6.5.1999) by The Scotland Act 1998 (Consequential Modifications) (No.1) Order 1999 (S.I. 1999/1042), arts. 1(2)(a), 3, **Sch. 1 para. 23(a)**

Members of the Scottish Parliament.

Members of the Scottish Executive.

Junior Scottish Ministers.]

European Parliament

Representatives to the European Parliament.

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Public officials

The^{F39} Assembly Ombudsman for Northern Ireland] and the Northern Ireland Commissioner for Complaints.

F39 1996 NI 8

F39 1996 NI 8

Persons in the Northern Ireland Civil Service receiving a salary on a scale the maximum of which is not lower than the maximum of the Grade 5 scale.

The Chief Electoral Officer and persons appointed to assist him.

The Comptroller and Auditor General for Northern Ireland.

[^{F40}The Auditor General for Scotland]

F40 Words in Sch. 3 inserted (6.5.1999) by *The Scotland Act 1998 (Consequential Modifications) (No.1) Order 1999 (S.I. 1999/1042)*, arts. 1(2)(a), 3, **Sch. 1 para. 23(b)**

The Secretary and any Director of the Northern Ireland Audit Office.

Officers employed in any capacity by the Commissioners of Customs and Excise, or Commissioners of Inland Revenue.

Officers in charge of a head office in Northern Ireland of a department of the Government of the United Kingdom.

Inspectors of schools.

Inspectors appointed under section 123 of the Mines Act (Northern Ireland) 1969.

Clergy, etc.

A person in Holy Orders and a regular minister of any religious denomination.

Vowed members of any religious order living in a monastery, convent or other religious community.

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Practising members of a religious society or order the tenets or beliefs of which are incompatible with jury service.

Professions

Professors and members of the teaching staff of a university or institution of further education and full-time teachers in any school.

Masters of vessels, duly licensed pilots and lighthouse keepers.

The following persons, if actually practising their profession and registered (including provisionally or temporarily registered), enrolled or certified under the statutory provisions relating to that profession—

- medical practitioners;
- dentists;
- nurses;
- midwives;
- veterinary surgeons and veterinary practitioners;
- pharmaceutical chemists.

Persons aged between 65 and 70 years

Persons aged between 65 and 70 years.

SCHEDULE 4

Article 31(2), (3).

CORONERS JURIES

PART I

MODIFICATIONS OF PROVISIONS OF THIS ORDER

1. Any reference to a court includes a reference to a coroner or, as the context requires, to an inquest.
2. Any reference to a judge (with or without qualifying words) includes a reference to a coroner (without qualifying words).
3. Any reference to a jury includes a reference to a coroner's jury.
4. In Article 5(4) and (5) “the Divisional Jurors List” includes a part of that list.
5. Articles 10(7) and 11(3) shall apply to rules under section 36(1) of the Coroners Act (Northern Ireland) 1959 as they apply to rules of court and Crown Court rules.
6. In Article 24 “trial” includes inquest.

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PART II

AMENDMENTS OF CORONERS ACT (NORTHERN IRELAND) 1959

1. In section 18 (summoning of jurors)—
 - (a) in subsection (1), for the words from “district inspector” to “current year” substitute “Juries Officer to summon a sufficient number of persons in accordance with the Juries (Northern Ireland) Order 1996”;
 - (b) after subsection (2) add the following subsection—

“(3) In sub-section (1) “the Juries Officer” means the Juries Officer for the county court division which includes the place specified by the coroner under that sub-section.” .
2. In Section 31(2) (summoning of another jury where jury unable to agree), for the words “district inspector” to “another jury” substitute “Juries Officer for the county court division where the inquest is held to summon another jury in accordance with the Juries (Northern Ireland) Order 1996”.
3. In section 32(1) (power to arrange for removal of body to district of another coroner), for “summoning a jury” substitute “causing a jury to be summoned”.

Schedule 5—Repeals

Status:

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