
STATUTORY INSTRUMENTS

1974 No. 2143 (N.I. 6)

NORTHERN IRELAND

The Juries (Northern Ireland) Order 1974

Laid before Parliament in draft

Made - - - - 18th December 1974

Coming into operation on a day to be appointed under Article 1(1)

ARRANGEMENT OF ORDER

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At the Court at Buckingham Palace, the 18th day of December 1974

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title, commencement and construction

1.—(1) This Order may be cited as the Juries (Northern Ireland) Order 1974 and shall come into operation on such day as the Secretary of State may by order appoint.

(2) This Order shall be construed as one with the Juries Acts (Northern Ireland) 1871 to 1953(b) and those Acts and this Order may be cited together as the Juries Acts (Northern Ireland) 1871 to 1974.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) 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—

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

“the Juries Officer” in relation to an area means the clerk of the Crown and peace for that area or some other person nominated by him with the approval of the Secretary of State given after consultation with the Lord Chief Justice;

“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 under-sheriff, master, or registrar in the Supreme Court or any division thereof but, subject to Article 8(2), does not include service on a coroner's jury, and references to “juror” and “jury” shall be construed accordingly;

“prescribed” means prescribed by regulations made by the Secretary of State under Article 7;

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

(a) 1974 c. 28.

(b) 34 & 35 Vict. c. 65.
35 & 36 Vict. c. 25.
39 & 40 Vict. c. 78.
16 & 17 Geo. 5 c. 15 (N.I.).
1953 c. 19 (N.I.).

(c) 1954 c. 33 (N.I.).

Qualification for jury service

3.—(1) Subject to paragraphs (2) and (3), every person who is aged between eighteen and seventy years and is registered as an elector in accordance with the Electoral Law Acts (Northern Ireland) 1962 to 1973^(a) shall be qualified and liable for jury service.

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

(3) The persons described in Schedule 2 shall be exempt from jury service.

(4) A person who knowingly serves as a juror when disqualified under this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400.

(5) No verdict or finding in any proceedings whatsoever (whether criminal or civil) shall be invalidated or impeached by reason only that a person disqualified for or exempt from serving was sworn as a member of or served on the jury in those proceedings.

Preparation of Jurors Lists

4.—(1) In the year 1974 and in each subsequent year, on such day or days as may be prescribed, the Chief Electoral Officer for Northern Ireland appointed under the Electoral Law Acts (Northern Ireland) 1962 to 1973 shall arrange for the selection by computer, in accordance with Schedule 3, from the last published copy of the register of electors under the said Acts a sufficient number of jurors for the purpose of empanelling such juries as may from time to time be required.

(2) A list of those persons selected who reside in an area served by a clerk of the Crown and peace (to be known as “an Area Provisional Jurors List”) shall be sent to the Juries Officer for that area who shall serve the prescribed notice and the prescribed form of return on every person whose name is included in the list.

(3) The notice served under paragraph (2) shall—

(a) state the effect of Articles 3(2), 3(3), 3(4), 4(9) and Schedules 1 and 2; 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 fourteen days to the Juries Officer for the area in which that person resides.

(4) The Juries Officer, after considering the returns made under paragraph (3) and such other matters as he thinks appropriate, shall revise the Area Provisional Jurors List.

(5) The Area Provisional Jurors List as revised by the Juries Officer shall be and be known as “the Area Jurors List” and in the year 1975 and each subsequent year the Juries Officer shall give public notice on such day or days as may be prescribed that copies of the Area Jurors List are available for inspection and may be obtained on payment of such fee as may be prescribed.

(a) 1962 c. 14 (N.I.).
1968 c. 20 (N.I.).
1969 c. 26 (N.I.).
1971 c. 4 (N.I.).
S.I. 1972/1264 (N.I. 13).
S.I. 1973/740 (N.I. 11).

(6) The Area Jurors List shall contain the full name and address of each juror in that area qualified and liable for jury service in that year, and 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.

(7) The several Area Jurors Lists shall collectively form the Jurors List for Northern Ireland (to be known as "the Jurors List").

(8) Any reference in any statutory provision to a general jurors book shall be construed as a reference to the Jurors List and until such time as the Jurors List is first formed, the general jurors books prepared for the year 1974 shall continue to be used.

(9) Any person, required by notice under this Article 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 fourteen days to the Juries Officer for the area in which he resides;

shall be guilty of an offence and shall for each such offence be liable on summary conviction to a fine not exceeding £50.

Selection and summoning of jurors

5.—(1) Except as provided by sections 17 and 42 of the Juries Act (Ireland) 1871(a) and by Article 4(8), a person shall not be summoned for jury service unless his name appears in the Jurors List for the current year.

(2) Subject to paragraphs (3) and (4) there shall be no restriction on the places in Northern Ireland at which a juror may be required to attend and serve on a jury, and any statutory provision which imposes any such restriction shall cease to have effect.

(3) In furnishing a panel of jurors to be summoned to attend and serve at a particular court or place the under-sheriff shall take the names of the jurors in numerical order from the Area Jurors List for the area in which that court or place is situated (in paragraph (4) referred to as "the local Area Jurors List").

(4) If, in furnishing a panel of jurors to be summoned to attend and serve at a particular court or place, the under-sheriff, in accordance with paragraph (3), exhausts the local Area Jurors List, he shall select such other jurors as may be required in numerical order from any one or more of the other Area 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 court or place.

(a) 34 & 35 Vict. c. 65.

(5) Every jury summons shall be accompanied by a notice stating the effect of Article 3(2), 3(4) and of Schedule 1.

Excusing of jurors

6.—(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 said sections.

(2) Where a person summoned to serve as a juror applies on the grounds of hardship or on other good and sufficient grounds to be excused from such service during the entire sitting or in respect of a particular period or trial, the judge of any court, if satisfied that such grounds exist, may excuse that person from service during that sitting or such lesser period as the judge thinks fit.

(3) Without prejudice to paragraph (2) the judge of any court may excuse a person from jury service on the ground of ill health on the production, in addition to such other evidence as the judge may think fit to require, of a medical certificate in the prescribed form signed by a registered medical practitioner in attendance on that person.

(4) The judge of any court may, at the conclusion of a trial of an exceptionally exacting nature, excuse the members of the jury on such trial from further jury service for such period as the judge may think fit.

(5) The powers exercisable by the judge of any court under paragraphs (1), (2) and (3) may also be exercised before the sitting of the court by any person who would have jurisdiction to act as judge thereof.

(6) The Lord Chief Justice or other judge by whom the powers conferred by the foregoing paragraphs 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 persons concerned to comply with those directions.

(7) Where a person is summoned as a juror and, on the calling over of the panel or otherwise, the judge of any court is satisfied that the person is disqualified for or exempt from jury service, the judge shall cause the under-sheriff and (where necessary) the Juries Officer to be informed accordingly, and that person shall be excused from attendance and, if the judge so directs, his name may be removed from the Jurors List for that year and for such subsequent years as the judge may specify.

(8) Rules of court and county court rules may provide that the powers of a judge under this Article (except paragraph (4)) may be exercised by such officer of the court as may be specified in those rules.

Regulations

7.—(1) The Secretary of State may make regulations prescribing anything which is to be prescribed under this Order and such regulations may make provision for forms to be used for the purposes of any provisions of the Juries Acts (Northern Ireland) 1871 to 1974.

(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(a) shall apply accordingly.

Application to coroner's juries

8.—(1) Subject to paragraph (2), nothing in the foregoing provisions of this Order shall apply to or affect the selection, summoning, attendance or service of any person as a juror on a coroner's jury.

(2) Articles 3 and 4 and Schedules 1, 2 and 3 shall apply in relation to service on a coroner's jury and any reference to "jury service" in those provisions shall include reference to service on a coroner's jury.

(3) In section 18(1) of the Coroners Act (Northern Ireland) 1959(b) (which requires a coroner in the case of certain deaths to cause a sufficient number of persons of full age and capacity to attend and be sworn as jurors) for the words "of full age and capacity" there shall be substituted the words "whose names appear in the Jurors List for the current year".

Amendments and repeals

9.—(1) The enactments set out in Schedule 4 shall have effect subject to the amendments specified therein.

(2) The enactments set out in Schedule 5 (which include certain enactments which are unnecessary or spent) are hereby repealed to the extent mentioned in column 3 thereof.

N. E. Leigh.

SCHEDULES

Article 3(2).

SCHEDULE 1

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 during the ten years immediately preceding the date on which the jury is sworn, 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, being a sentence for a term of three months or more; or
- (b) been detained in a borstal institution.

(a) 9 & 10 Geo. 6 c. 36.

(b) 1959 c. 15 (N.I.).

EXEMPTIONS FROM JURY SERVICE

Parliament

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

Members of the House of Commons of the Parliament of the United Kingdom.

Northern Ireland Assembly

Members of the Northern Ireland Assembly.

Officers and servants of the Northern Ireland Assembly.

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 including persons so serving as members of any women's force or service administered by the Defence Council.

Members of the Ulster Defence Regiment.

Persons concerned with 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.

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' apprentices and solicitors' clerks.

The Director of Public Prosecutions for Northern Ireland and members of his staff.

Officers of the Northern Ireland Office certified by the Secretary of State or by the Attorney-General to be engaged directly in the administration of the legal system or any part of it.

Members of juvenile court panels.

Governors, chaplains and other officers of, and members of boards of visitors or visiting committees for, the following establishments—

- (a) a prison within the meaning of the Prison Act (Northern Ireland) 1953(a);
- (b) a remand home, training school, or attendance centre within the meaning of the Children and Young Persons Act (Northern Ireland) 1968(b); or
- (c) a remand centre or young offenders centre within the meaning of the Treatment of Offenders Act (Northern Ireland) 1968(c).

Probation officers and persons appointed to assist them.

Members of the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve and any other person employed in any capacity by virtue of which he has the powers and privileges of a constable.

Members and staff of the Police Authority for Northern Ireland and persons employed for police purposes by the Police Authority for Northern Ireland.

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

(a) 1953 c. 18 (N.I.).
(c) 1968 c. 29 (N.I.).

(b) 1968 c. 34 (N.I.).

Other public officials

The Northern Ireland Parliamentary Commissioner for Administration and the Northern Ireland Commissioner for Complaints.

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

The Comptroller and Auditor-General for Northern Ireland.

Officers of the Post 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 appointed under section 123 of the Mines Act (Northern Ireland) 1969(a).

Exempted professions

A man 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.

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 sixty-five and seventy years

Persons aged between sixty-five and seventy years who notify the Juries Officer in the prescribed manner that they do not wish to serve as jurors.

Incapable persons

Persons suffering from mental disorder within the meaning of the Mental Health Act (Northern Ireland) 1961(b).

Persons suffering from blindness, deafness or other permanent infirmity rendering them unfit to serve on a jury.

Persons unable to understand the English language.

Article 4(1).

SCHEDULE 3

SELECTION OF JURORS BY COMPUTER

1. In the year 1974, for the purpose of selecting the required number of jurors from the register of electors, the computer shall be programmed to select every xth elector (where x is a number fixed by the Chief Electoral Officer, having regard to the required number of jurors).

(a) 1969 c. 6 (N.I.).

(b) 1961 c. 15 (N.I.).

2. In the year 1975 and in each subsequent 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

(b) not to select those electors—

(i) whose names have been furnished by the several Juries Officers as being disqualified or exempt from jury service, 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).

SCHEDULE 4

Article 9(1).

AMENDMENTS

The Juries Act (Ireland) 1871 (c. 65)

1. In section 17, for the words “general jurors book” in each place where they occur there shall be substituted the words “Jurors List”.

2. In section 18, for the words “general jurors book” and “jurors book” in each place where they occur there shall be substituted the words “Jurors List”.

3. In section 23, for the words “general jurors book” in each place where they occur there shall be substituted the words “Jurors List”, for the words “in rotation contained in section 19 of this Act” there shall be substituted the words “in Article 5 of the Juries (Northern Ireland) Order 1974” and for the words “such books have” there shall be substituted the words “the Jurors List has”.

4. In section 43, for the words “general jurors book” in each place where they occur there shall be substituted the words “Jurors List” and for the word “delivered” where it twice occurs there shall be substituted the word “prepared”.

The Juries Procedure (Ireland) Act 1876 (c. 78)

5. In section 4(1) for the words “in rotation by the sheriff or other officer under the Juries (Ireland) Acts” there shall be substituted the words “under the Juries Acts (Northern Ireland) 1871 to 1974” and for the words “jurors book” there shall be substituted the words “Jurors List”.

The Magistrates' Courts Act (Northern Ireland) 1964 (c. 21)

6. In paragraph 1 of Schedule 5, for the words “the grand jury (if the offence is not to be tried before a county court)” there shall be substituted the words “a Court of Assize”.

REPEALS

Chapter	Short Title	Extent of Repeal
26 Geo. 3 c. 24 (Ir.).	The Forcible Entry Act (Ireland) 1786.	In section 66 the words from "by the grand jury" to "or quarter sessions".
44 Geo. 3 c. 102.	The Habeas Corpus Act 1804.	The words "grand, petit or other".
6 Geo. 4 c. 51.	The Assizes (Ireland) Act 1825.	In section 7 the words "before the grand jury".
6 & 7 Will. 4 c. 13.	The Constabulary (Ireland) Act 1836.	Section 23.
34 & 35 Vict. c. 65.	The Juries Act (Ireland) 1871.	Sections 7 to 9. Sections 12 to 16. In section 18, the words "by this Act directed to be" and "or as a grand juror". Section 19. In section 23 the words "delivered to the sheriff by the clerk of the peace" and the words "in accordance with this Act". Sections 26 and 27. Section 29. In section 30, the words "of the body of the county" and the words "within the county". In section 32, the words from "save and except" to the end of the section. In section 42, the words "of the county". In section 43, the words "(except the grand jury at any assizes)". Sections 45, 46 and 47. The Third Schedule so far as unrepealed.
35 & 36 Vict. c. 25.	The Juries (Ireland) Act 1872.	The whole Act so far as unrepealed.
39 & 40 Vict. c. 78.	The Juries Procedure (Ireland) Act 1876.	Section 4(2). Section 5. Section 9. Sections 14 and 15. Section 21.
40 & 41 Vict. c. 56.	The County Officers and Courts (Ireland) Act 1877.	Section 21 so far as unrepealed.
50 & 51 Vict. c. 20.	The Criminal Law and Procedure (Ireland) Act 1887.	In section 10(1) the words "may be inquired of by a grand jury of, and".
53 & 54 Vict. c. 21.	The Inland Revenue Regulation Act 1890.	In section 8 the words "or on any jury or inquest whatsoever".
60 & 61 Vict. c. 20.	The Quarter Sessions Jurors (Ireland) Act 1897.	Section 3(4).

Chapter	Short Title	Extent of Repeal
61 & 62 Vict. c. 37.	The Local Government (Ireland) Act 1898.	In section 69(1), the word "jurors". Section 69(7). In section 83(7) the words "or to jurors' lists". In section 96(2), the words "or with the Juries (Ireland) Acts 1871 to 1894".
9 & 10 Geo. 5 c. 71.	The Sex Disqualification (Removal) Act 1919.	In section 1, the words "and a person shall not be exempted by sex or marriage from the liability to serve as a juror", and the words from "and" at the end of proviso (a) to "rule of law or practice to the contrary". In section 4(2), the words from "and any enactment relating to juries" to the end. Section 8.
9 & 10 Geo. 5 c. 92.	The Aliens Restriction (Amendment) Act 1919.	Section 8.
16 & 17 Geo. 5 c. 15.	The Jury Laws Amendment Act (Northern Ireland) 1926.	Section 1. Section 3. Sections 6 and 7. Sections 9 and 10. Section 13. The First Schedule. The Third Schedule. The Fourth Schedule. The Fifth Schedule.
15 & 16 Geo. 6 & 1 Eliz. 2 c. 44.	The Customs and Excise Act 1952.	In section 2(1) the words "or on any jury whatsoever".
1 & 2 Eliz. 2 c. 50.	The Auxiliary Forces Act 1953.	In section 39(3) the words "and shall be exempt from serving on any jury".
1953 c. 19.	The Juries Act (Northern Ireland) 1953.	In section 1(7), the words "as a grand juror or". In section 7(1), the words "in any county or in any part of any county". In section 7(3), the words "may make different provision in respect of different counties or in respect of different parts of the same county and". In section 7(7), the words "'county' includes a county borough and". Section 8. Section 10.
1954 c. 9.	The Administration of Justice Act (Northern Ireland) 1954.	In section 1(a) the words "grand jurors and".
3 & 4 Eliz. 2 c. 18.	The Army Act 1955.	Section 183.
3 & 4 Eliz. 2 c. 19.	The Air Force Act 1955.	Section 183.

Chapter	Short Title	Extent of Repeal
1957 c. 5.	The Revaluation (Amendment and Consequential Provisions) Act (Northern Ireland) 1957.	Section 5.
5 & 6 Eliz. 2 c. 28.	The Dentists Act 1957.	In section 32(1) the words "serving on all juries and inquests whatsoever and from".
1959 c. 15.	The Coroners Act (Northern Ireland) 1959.	In section 2(5) the words "nor serve upon a grand jury".
1966 c. 36.	The Veterinary Surgeons Act 1966.	Section 24(2).
1969 c. 6.	The Mines Act (Northern Ireland) 1969.	Section 123(4).
1970 c. 9.	The Taxes Management Act 1970.	Section 5(2).
1970 c. 11.	The Nurses and Midwives Act (Northern Ireland) 1970.	Section 44.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order removes the property qualification for jury service and extends qualification to all persons aged between 18 and 70 years who are registered as electors. The Order also makes new provision for the preparation of Jurors Lists and the selection and summoning of jurors and consolidates, with amendments, the law concerning the disqualification, exemption and excusing of jurors.