

## Juries

Qualifications

Selection

Role

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## Qualifications

### • **BASIC QUALIFICATIONS**

- age 18 to 70
- be on electoral register for area covered by court
- have resided in UK for 5 years since 13th birthday

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## DISQUALIFICATION

### **Disqualified for life**

- 5 years + imprisonment

### **Disqualified for 10 years**

- shorter prison sentence OR
- suspended sentence OR
- community order

Also disqualified while on bail

Mentally ill cannot sit

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## EXCUSAL

- serving members of the armed forces
- Discretionary excusal
- for illness, business commitments or other 'good reason'
  - will usually be deferred rather than excused
  - NOTE judges, lawyers, police officers etc are now eligible

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### ***R v Abdroikof: R v Green: R v Williamson*** **House of Lords (2007)**

Would a fair-minded and informed observer, on the facts of the three cases, conclude that there was a real possibility that the trial jury was biased?

#### **FACTS**

##### ***Abdroikof***

Tried for attempted murder  
Police officer on jury  
No connection with police giving evidence

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##### ***Green***

Searched by police  
Alleged in search the officer pricked his finger on a used syringe in D's pocket  
Charged with assault occasioning actual bodily harm and having a bladed or pointed article  
Major conflict of evidence between police officer and D  
After trial discovered there had been a local police officer on jury

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**Williamson**

Charged with two offences of rape  
Local senior CPS prosecutor on jury

**Decision**

House of Lords by 3 - 2 allowed appeals in cases of *Green* and *Williamson* and quashed their convictions

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Justice must not only be done but it must be seen to be done

**Abdroikof**

It was not a case which turned on a contest between the evidence of the police and that of the appellant

Hard to suggest that the case was one in which unconscious prejudice, even if present, would have been likely to operate to the disadvantage of the appellant

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**Green**

Crucial dispute on the evidence between the appellant and the police sergeant

The sergeant and the juror, although not personally known to each other, shared the same local service background.

The instinct (however unconscious) of a police officer on the jury to prefer the evidence of a brother officer to that of a drug-addicted defendant would be judged by the fair-minded and informed observer to be a real and possible source of unfairness

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**Williamson**

The role of a juror is very important neutral role

If a juror is a full-time, salaried, long-serving employee of the prosecutor then it is clear that justice is not seen to be done

Lord Bingham:

*“The appellant was entitled to be tried by a tribunal that was and appeared to be impartial, and in my opinion he was not “*

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**SELECTION**

- selected at random by computer
- sent summons
- usually put into groups of 15 for each court
- at start of new trial panel of 12 for each trial randomly selected from that 15

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**VETTING**

- may be checked for criminal record – **R v Mason (1980)**
- in cases of national security may be subject to a wider check
- this is covered by the Attorney-General's guidelines

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## CHALLENGES

- individual juror can be challenged for cause
- whole panel can be challenged for biased selection
- BUT cannot challenge because jury does not contain any ethnic minorities **R v Ford (1989)**
- prosecution may 'stand by' any juror

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## USE IN COURTS

- sit in Crown Court - panel of 12  
Decide verdict - guilty or not guilty
- can be used in some civil cases (e.g. defamation) in the High Court (panel of 12)
- or County Court (panel of 8) - very rare  
Decide liability **and** amount of damages
- Coroners court – panel of 7 - 11

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## ROLE

### Crown Court

- try indictable and triable either way cases
- decide verdict
- judge decides sentence

### Civil courts

- decide liability **and** amount of damages

### Coroners court

- decide cause of death

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## Advantages of juries

- Public confidence
- Fundamental part of a democratic society
- Involves members of the public
- Wide cross section of society

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- Open system of justice
- Impartial
- Secrecy of the jury room protects jurors from pressure
- Jury equity *Ponting's case (1984)*

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## Disadvantages of juries

- High acquittal rates
- Doing jury service is unpopular
- Perverse verdicts *Randle and Pottle (1991)*
- Reporting may influence the decision *Taylor and Taylor (1993)*
- May be racially biased *Sander v UK (2000)* *Mirza (2004)*

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Secrecy means that:

- reasons for the decision are not known
- jury's understanding of the case cannot be checked

May have odd reasons for decision **R v Young (1995)** – ouija board

Court investigated this as did not occur in jury room

Also **R v Karakaya (2005)** where juror used results of an Internet search

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