



- Magna Carta 1215 – ‘trial by one’s peers’
- Lord Devlin – ‘the lamp that shows freedom lives’
- Lord Blackstone – ‘the cornerstone of the legal system’.



Training:

- Judicial College
- Magistrates Commission Committee
- Focus on equality, skills, mentoring and appraisals
- Visits to prison / Probation Service

Role:

- To decide verdict of guilty/not guilty in criminal cases where defendant pleads not guilty and to decide liability and amount of damage in civil cases.
- In criminal cases, they sit in the Crown Court for indictable and triable either way cases.
- Governed by the Juries Act 1974 as amended by the Criminal Justice Act 2003 and further amended by the Criminal Justice and Courts Act 2015.
- Jury considers fact; judges consider the law. Juries should come to a unanimous decision (12-0) but a majority (11-1, 10-2) will be considered.
- Juries consist of 12 **randomly selected** members of the public.
- Trial by jury is an ancient and democratic institution within the legal system, which provides an opportunity for the lay person to participate in the administration of justice.

Eligibility:

Under the Juries Act 1974 as amended by the Criminal Justice Act 2003 and the Criminal Justice and Courts Act 2015, potential jurors must be:

- aged between **18** and **75**
- registered on the electoral register (to vote)
- resident in UK for at least 5 years since their 13th birthday.

You will be disqualified from jury service if you:

- are mentally ill
- have serious criminal convictions
- are currently on bail
- have been convicted of an offence under the Criminal Justice and Courts Act 2015.

Discretionary excusals are permitted, but rather than opting out of jury service, the potential juror will defer their service to a later date.

Police and legal professionals **CAN** serve on a jury

R v Abroikov, Hanif & Khan v UK

Role:

- Magistrates are lay people who sit on 97% of all criminal cases in the Magistrates’ Court.
- Decide a verdict of guilty or not guilty in summary offences and also to pass sentence. The sentencing powers of a magistrate are up to 6 months in custody or a £5,000 fine (although the fine can be unlimited for certain offences). They can also sentence a wide range of community-based orders.
- Magistrates have many functions in the criminal justice system:
 - Early Administrative Hearings
 - Bail applications
 - Summary offences (these are minor offences, such as traffic offences, minor assaults and theft).
- Lay magistrates can also sit in the Crown Court to hear appeals from the Magistrates’ Court.
- Some lay magistrates are specially trained to deal with offences in the Youth Court for juveniles aged 10-17.
- Assisted by a legally qualified clerk who is not permitted to be involved in the decision-making of a case and can only merely advise the magistrates on points of law.

Eligibility:

- No specific qualifications
- Must be the right character – 6 key qualities
- Age: 18-65 *retire at 70 (some disqualifications, e.g. serious criminal conviction or undischarged bankrupt)
- Commitment of 13 days per year
- Local Advisory Committee selects and appoint
- Names can be put forward by anyone and adverts are used
- Candidates interviewed and names put forward to Lord Chief Justice.

Juries

Advantages:

- Lay involvement ensures public confidence (questionable today!) “the lamp that shows that freedom lives” – Lord Devlin.
- Random selection ensures a cross-section of society, which should be neutral.
- Open justice – justice is seen to be done.
- Privacy of decision-making process – no outside pressure.
- Society’s verdict of conscience brings equity and democracy: R v Ponting.
- Juries are not accountable to anyone and don’t have to give reasons.
- Decision based on verdict of twelve rather than a prosecution-minded judge or magistrate.
- The jury is independent and can never be pressured by a judge to return a guilty verdict: Bushell R v Wang.
- Majority verdicts of 10-2 or 11-1 are permitted at the judge’s discretion.

Disadvantages:

- Lack of intelligence and inability to understand the evidence: R v Pryce.
- Slow and expensive (having to explain points of law).
- Perverse/irrational verdicts: acquittal rates much higher than magistrates’ court. **Dr Penny Derbyshire** regards them as “irrational and haphazard” - R v Young.
- Bias/prejudice: They take into account irrelevant factors, for example race, appearance, good oratory of counsel as well as performance of witnesses - R v Alexander and Steen.
- Compulsory jury service is often resented and unpopular.
- The Contempt of Court Act 1981 and secrecy of the jury room bars any effective research.
- Increasingly, juries are conducting research into the case/defendant using the internet/ Facebook - AG v Davey and Beard.
- Jury vetting and challenging undermine random selection in practice: R v Mason.

Magistrates

Advantages:

- Lay participation (tradition and democratic).
- Speed: cases are dealt with quickly.
- Good gender balance.
- Local knowledge of problems.
- Cost – to replace with DJs = £100 million.
- Some training is given so not complete amateurs.
- Few appeals suggest they perform well in practice.
- Assistance from a legally qualified clerk.

Disadvantages:

- Social background! Not a true cross-section of society. Predominantly ‘middle class, middle aged and middle minded’.
- Inconsistency in sentencing – a geographical lottery!
- Over reliance on the clerk – ex.p. Farrelly.
- Prosecution bias: ex. p. Jowitt.
- Case hardened and unsympathetic.
- Out of touch with the majority of defendants.

Current statistics:

Women: 54%
BAME: 11%
Under 40: 4%
Over 40: 86%

Why middle class?

- employers
- economics
- time to commit