

**PROJET DE LOI (200-) (AMENDEMENT No. 9) REGLANT LA PROCEDURE CRIMINELLE (P.37/2001):
REPORT - ADDENDUM**

**Presented to the States on 3rd July 2001
by the Legislation Committee**

STATES OF JERSEY

STATES GREFFE

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Addendum to report

The Committee has received the following letter from the Deputy Bailiff conveying the comments of the Court as follows -

“Dear Madam President,

Jury Service

Thank you for your letter inviting the views of the Royal Court on the proposal that the age limit for jurors should be varied from the present limit of 25 to 65 years and replaced by one of 18 to 70 years. The Bailiff has asked me to reply on his behalf.

I met with the Jurats in order to discuss the proposal. Also present were representatives of the Viscount's Department and the Judicial Greffe. The Viscount's Department is responsible for summoning and looking after juries and therefore has particular practical expertise in relation to juries. The Judicial Greffe is of course the administrative arm of the Court and again has very considerable practical experience of the criminal justice system. The views expressed in this letter are those of the Jurats and of the above representatives.

The members of the Court had no observations to make on the proposal to raise the age limit for jurors to 70 but they were unanimously and strongly of the view that it would not be in the interests of justice to reduce the age limit to 18.

Their reasons for so concluding included the following:-

- (i) There is no shortage of persons eligible for jury service within the present age limits. People are not called up often and the Viscount has no difficulty in convening sufficient numbers to form panels of jurors. It follows that there is no administrative reason to increase the pool of potential jurors.
- (ii) It was the view of the members of the Court that people of 18 often feel strongly about matters and are not always so easily open to calm and reasoned argument. The well known expression “young and headstrong” exists for a reason. In many fields that is a virtue. But as a juror it is not. A juror must be able to weigh calmly and dispassionately the conflicting evidence which is heard. That is an attribute which is more likely to be acquired with maturing years. The ability to judge conflicting evidence is assisted by experience of people's behaviour and reactions in everyday situations. By definition a young person will have had little such experience.
- (iii) It is sometimes argued that, if a person is old enough to fight for his or her country or to vote, he or she is old enough to serve on a jury. But in the view of the members of the Court, the qualities called for are not the same. In particular, jury service requires a juror to sit in judgment on a fellow citizen and to decide individual questions of guilt and innocence. It requires qualities of a different order from those required for fighting or for voting. A wrong verdict may result in the conviction of an innocent person or, equally importantly, the acquittal of a guilty person, who may then go on to re-offend.
- (iv) It may be said that we should move to the age of 18 because that is the age limit in England. The members of the Court did not feel that there was any reason that we necessarily had to follow what was done in England. The Island should take its own decision as to what is in the best interests of the administration of justice in Jersey. However it was their understanding that many practitioners in England felt that the reduction in the age limit for jury service had not assisted the quality of verdicts in that country.

We would not wish the views expressed above to be misunderstood. It was of course accepted unreservedly that there are many people between the ages of 18 and 25 who would make excellent jurors. Conversely there are some over the age of 25 who do not make good jurors. But the question has to be taken in the round. The issue is whether, the reduction in the age limit would be likely to assist the quality of criminal justice in the Island or not.

I have to say that the unanimous view of the Court and of its officials was that a reduction in age limit to 18 would carry a real risk of adversely affecting the quality of jury verdicts. Given the adequacy of the present arrangements, there seemed no reason to run this risk.

I hope that these views are of assistance to you and the States in your deliberations.

Yours sincerely,

M.C.St.J. BIRT

Deputy Bailiff