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Guidance for summoning officers when considering deferral and excusal applications

Her Majesty's Courts Service

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considering deferral and excusal applications

Presented to Parliament pursuant to Section 9AA of the Juries Act
1974 as inserted by Schedule 33, Paragraph 12 of the Criminal
Justice Act 2003

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ISBN: 9780108508400

Guidance for summoning officers when considering deferral and excusal applications

1. Applications to be deferred¹ or excused² from jury service must be considered carefully, sympathetically and with regard to the individual circumstances of the applicant. It is important that officers dealing with such applications should adopt a policy that is both fair to the individual and consistent with the needs of the court, i.e. providing a representative jury. Officers should therefore not hesitate to refuse a request if no “good reason” is given.
2. If good reason is shown why the person should not sit on the date they have been summoned, deferral should always be considered in the first instance. Excusal from jury service should be reserved only for those cases where the jury summoning officer is satisfied that it would be unreasonable to require the person to serve at any time within the following twelve months.
3. When deferring jury service, the summoning officer must specify a new date of attendance, which should normally be within one year of the date of the summons. In deciding on the new date the times identified by the potential juror as being particularly inconvenient should be avoided wherever possible.

Summoning Officer’s Discretion

4. The normal expectation is that everyone summoned for jury service will serve at the time for which they are summoned. It is recognised that there will be occasions where it is not reasonable for a person summoned to serve at the time for which they are summoned, in such circumstances, the summoning officer should use his/ her discretion to defer the individual to a time more appropriate. Only in extreme circumstances, should a person be excused from jury service.

The summoning officer in exercising his or her discretion should observe the following principles:

5. Section 8 (1) of the *Juries Act* 1974 provides that a person summoned who shows to the satisfaction of the appropriate officer that they have already served, or duly attended to serve, within the prescribed period (which is two years), shall be excused from service. When a person claims to have served within the prescribed period their statement should normally be accepted, subject to subsequent checking against records where this can easily be done.

¹ Deferral of jury service is covered by section 9A of the *Juries Act* 1974, which provides that the summoning officer may defer the date on which a juror has to attend for jury service. Whether deferral is allowed or denied the summoning officer may only exercise the power once in relation to a particular summons.

² Section 9(2) of the *Juries Act* 1974 provides that if any person who has been summoned to attend as a juror shows to the satisfaction of the summoning officer that there is good cause why they should be excused from attending, the summoning officer may grant excusal.

6. An application for excusal on the grounds of insufficient understanding of English should normally be granted. If in doubt, the juror may be brought before the judge as prescribed by section 10 of the 1974 Act.
7. When considering applications for excusal on the grounds of care responsibilities deferral should be considered in the first instance. Paragraph 4 (above) applies.
8. Applications for excusal from members of enclosed religious orders, from practising members of religious societies and orders, and from members of generic or secular organisations, whose ideology, or beliefs are incompatible with jury service, should be granted. If evidence for either situation is not provided, it should be requested before the application is further considered. Where jury service conflicts with an applicant's religious festival they should be deferred.
9. Those applying for excusal because the court to which they have been summoned is difficult for them to reach should be offered an alternative court to attend.
10. Deferral, rather than excusal, should be granted for holidays. Paragraph 4 (above) applies.
11. Jurors may be excused for valid business reasons. Applications of this type should, however, be looked at closely and granted only if there would be unusual hardship. A small business is an example of a case where such hardship might be suffered, although each case must be considered on its individual merits. Paragraph 4 (above) applies.
12. Applications for excusal by shift workers and night workers should be dealt with sympathetically. A shift worker should be deferred to a period where they do not have to attend on a rest day.
13. Cases of hardship may occasionally arise where a student, who depends on obtaining employment during the vacation in order to meet financial or vocational commitments, is summoned for jury service before taking up such employment and is subsequently refused payment for loss of earnings, because no actual loss of earnings has occurred. Where an application for excusal or deferral is made by a student on these grounds it should be treated sympathetically, otherwise genuine financial hardship may be caused.
14. Applications for excusal from teachers or students during term time, and particularly during exam periods, should be deferred in the first instance. Paragraph 4 (above) applies.
15. Those who apply for excusal on grounds that jury service would conflict with important public duties should normally be deferred. Paragraph 4 (above) applies.
16. Members of parliament who seek excusal of jury service on the grounds of parliamentary duties should be offered deferral in the first instance. If an MP feels that it would be inappropriate to do jury service in his/ her constituency, they should be allowed to do it elsewhere. Paragraph 4 (above) applies.

17. The Speaker of the House of Commons and his deputies, because of the difficulties their absence from the House would cause, should in the first instance be deferred to a time when parliament is not sitting. Paragraph 4 (above) applies.
18. Members of the judiciary or those involved in the administration of justice who apply for excusal or deferral on grounds that they may be known to a party or parties involved in the trial should normally be deferred or moved to an alternative court where the excusal grounds may not exist. If this is not possible, then they should be excused. Paragraph 4 above applies.

There are additional considerations which apply to certain categories of potential jurors involved in the administration of justice. Those categories are:

- (1) employees of the prosecuting authority;
- (2) serving police officers summoned to a court which receives work from their police station or who are likely to have a shared local service background with police witnesses in the trial.
- (3) serving prison officers summoned to a court, who are employed at a prison linked to that court or who are likely to have special knowledge of any person, involved in a trial.

Potential jurors falling into category (1), (2) or (3) should be excused from jury service unless there is a suitable alternative court/trial to which they can be transferred. For example an employee of the Crown Prosecution Service should not serve on a trial prosecuted by the CPS. However, they can serve on a trial prosecuted by another prosecuting authority, such as the Revenue and Customs Prosecution Office. Similarly, a serving police officer can serve where there is no particular link between the court and the station where the police juror serves.

19. Full-time serving members of the Armed Forces will be deferred or excused jury service in cases where their commanding officer certifies that their absence would be prejudicial to the efficiency of the Service in question (see Schedule 33 (paragraph 10) of the Criminal Justice Act 2003).
20. Applications for excusal on the grounds that jury service will conflict with work commitments should be deferred in the first instance unless excusal is clearly necessary. Each case will of course need to be considered on its own merits. Applications for excusal or deferral cannot be accepted from third parties, e.g. employers. Paragraph 4 (above) applies.

21. Applications for excusal on the grounds of a physical disability which would make jury service difficult to undertake should be considered sympathetically such applications should normally be considered without the necessity for a medical certificate to be produced. However, a certificate should be requested if the summoning officer feels that that one is necessary to support an application for excusal on the grounds of illness or physical disability (for example, where there is uncertainty as to the illness/ disability), or where one is required for an appeal against non-excusal.

Her Majesty's Courts Service
www.hmcourts-service.gov.uk



Published by TSO (The Stationery Office) and available from:

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