

Reference No: E109/17/63; **Date:** 19/04/77

Circular 11/1977:- Jury Service

A Dhuine Uasail,

1. I am directed by the Minister for the Public Service to call attention to the provisions of the Juries Act, 1976.

2. Under previous legislation civil servants were exempt from jury service. The new Act has abolished this general exemption. Instead, it provides that (with the exception of certain categories of persons who are disqualified or ineligible) all citizens between the ages of 18 and 70 years who are entered in the register of Dail electors are qualified and liable to serve as jurors. However, persons summoned for jury service can, under the Act, be excused from such service in certain circumstances.

Liability for jury service

3. Leaving aside the provisions of the Act relating to disqualification for jury service - which is defined by reference to criminal convictions - civil servants who are within the age limits referred to and who are on the register of Dail electors fall into three groups, under the Act, as follows

(a) Those ineligible for jury service: This group may not serve on a jury. The group comprises, in the main, officers concerned with the administration of justice. The categories covered are set out in Part I of the First Schedule to the Act which is reproduced, to the extent relevant to the civil service, at Appendix A to this Circular.

(b) Those excusable as of right: The categories included in this group are given in Part II of the First Schedule to the Act. The main extracts relevant to civil service employment are reproduced at Appendix B. Excusal as of right is also available under section 9(1) of the Act to, for example, any person who has served, or attended to serve, on a jury within the previous three years.

An officer in this group who is summoned for jury service and who informs the relevant county registrar of his wish to be excused must be excused as of right.

(c) Those not within either (a) or (b): An officer in this category is required to attend for jury service if summoned to do so. Section 9 of the Act enables the county registrar, in certain circumstances, or the court to grant excusal where a good reason is shown.

Penalties under Part V of the Act

4. A person who (not being disqualified for, ineligible for or excused from jury service) fails without reasonable excuse to attend as summoned or makes a false representation with the intention of evading jury service is liable to a fine not exceeding £50. A person who serves on a jury knowing that he is ineligible is liable to a similar fine; if a person who so serves knows that he is disqualified the fine may be up to £200.

Procedures

5. Each person summoned for jury service is given detailed information about the provisions relating to disqualification, ineligibility and excusal. In the form returned to the county registrar he must indicate that he is disqualified or ineligible if that is so. If he wishes to be excused he must apply for excusal on the form.

6. A civil servant who has any doubts about whether he falls within the categories ineligible for jury service (see paragraph 3(a) of this circular) should contact the relevant county registrar's office so as to have the doubt resolved.

7. Subject to paragraph 8, a civil servant who is summoned for jury service and who is not disqualified or ineligible should inform his superior officer of the summons and, if he applies to the county registrar for excusal, of the outcome of the application. His superior officer, for his part, should, as necessary, consider whether the officer is one in respect of whom excusal as of right in the public interest (see Appendix B) would be appropriate. If so, the superior officer should take steps towards the possible issue of a certificate as required by the Act, in favour of the officer, by the head of the Department or Office. Please note in that respect that the certificate must be to the effect that "it would be contrary to the public interest for the civil servant to have to serve as a juror because he performs essential and urgent services of public importance that cannot reasonably be performed by another or postponed"

That provision should obviously be strictly interpreted and rigidly adhered to. An officer in respect of whom such a certificate is issued should notify the county registrar of his wish to be excused from jury service, enclosing the certificate.

8. The issue of a public interest certificate does not arise for officers who are excusable as of right by reference to their official positions as such, e.g. heads of Departments and Offices. In this connection, and in relation to paragraph 7, the expression "Government Offices" should be construed as referring to the following Offices:-

President's Establishment
Central Statistics Office
Office of the Comptroller and Auditor General
Office of the Revenue Commissioners
Office of Public Works
State Laboratory
Office of the Civil Service and Local Appointments Commissioners
Stationery Office
Valuation Office and Ordnance Survey

Time off

9. Officers who attend for jury service should be given time off from duty with full pay.

Circulation

10. Please bring this Circular to the attention of all serving officers and also to new officers as they are appointed.

Mise le meas,

S Mac Gamhna

Appendix A to Circular 11/77 - Persons Eligible for Jury Service

Persons concerned with the administration of justice

- * The Attorney General and members of his staff.
- * The Director of Public Prosecutions and members of his staff.
- * Barristers and solicitors actually practising as such.
- * Solicitors' apprentices, solicitors' clerks and other persons employed on work of a legal character in solicitors' offices.
- * Officers attached to a court or to the President of the High Court and officers and other persons employed in any office attached to a court or attached to the President of the High Court.
- * Persons employed from time to time in any court for the purpose of taking a record of the proceedings of the court.
- * Prison officers and other persons employed in any prison, Saint Patrick's Institution or any place provided under section 2 of the Prisons Act 1970 (No 11) or in any place in which persons are kept in military custody pursuant to section 2 of the Prisons Act 1972 (No 7) or in any place specified to be used as a prison under section 3 of the latter Act; chaplains and medical officers of, and members of visiting committees for, any such establishment or place.
- * Persons employed in the welfare service of the Department of Justice.
- * A person in charge of, or employed in, a forensic science laboratory.

The Reserve Defence Force

- * Every member of the Reserve Defence Force during any period during which he is in receipt of pay for any service or duty as a member of the Reserve Defence Force.

Incapable persons

- * A person who because of insufficient capacity to read, deafness or other permanent infirmity is unfit to serve on a jury.
- * A person who suffers or has suffered from mental illness or mental disability and on account of that condition either -
 - (a) is resident in a hospital or other similar institution, or
 - (b) regularly attends for treatment by a medical practitioner.

Appendix B to Circular 11/77 - Persons Excusable from Jury Service as of Right

- * The Clerk of Dáil Éireann.
- * The Clerk of Seanad Éireann.
- * 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
Veterinary surgeons
Pharmaceutical chemists

* A member of the staff of either House of the Oireachtas on a certificate from the Clerk of that House that it would be contrary to the public interest for the member to have to serve as a juror because he performs essential and urgent services of public importance that cannot reasonably be performed by another or postponed.

* Heads of Government Departments and Offices and any civil servant on a certificate from the head of his Department or Office that it would be contrary to the public interest for the civil servant to have to serve as a juror because he performs essential and urgent services of public importance that cannot reasonably be performed by another or postponed.

* Persons aged 65 years or upwards and under the age of 70.