

JUSTICE AND SECURITY (NORTHERN IRELAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Juries

Section 10: Restrictions on disclosure of juror information

40. This section inserts new Articles 26A to 26C into the Juries (Northern Ireland) Order 1996 to place restrictions on the disclosure of information which identifies a person as being or having been a juror or potential juror.
41. New Article 26A makes it an offence, broadly speaking, for:
- an electoral officer;
 - a court official;
 - a person providing services to the Northern Ireland Court Service;
 - a member of the police;
 - a person provided with juror information in accordance with jury check guidelines;
 - a juror or person summoned as a juror; or
 - any other person who knows (or ought to know) that relevant juror information has previously been unlawfully disclosed,
- to unlawfully disclose juror information.
42. New Article 26A(8) provides that the offence may be tried:
- summarily with a maximum penalty of 6 months' imprisonment, or a fine not exceeding the statutory maximum (currently £5,000), or both; or
 - on indictment with a maximum penalty of 2 years' imprisonment or a fine or both.
43. It shall be a defence for a person to prove that he reasonably believed the disclosure was lawful (new Article 26A(9)).
44. New Article 26B sets out the circumstances in which juror information may be disclosed with lawful authority. These include disclosure:
- by an electoral officer to another electoral officer or for the purpose of preparing the annual list of potential jurors in accordance with Article 4 of the 1996 Order;
 - by a court official to another court official, to a judge, or to a juror or person summoned as a juror;

*These notes refer to the Justice and Security (Northern Ireland)
Act 2007 (c.6) which received Royal Assent on 24 May 2007*

- to a person or his employee in connection with the provision of services to the Northern Ireland Court Service;
 - by a person or his employee providing services to the Northern Ireland Court Service if required by an officer of the court in connection with the provision of those services;
 - for the purposes of carrying out additional jury checks as authorised by jury check guidelines;
 - for the purposes of criminal proceedings, other than those in relation to which the juror in question has been called to serve as a juror; and
 - made with leave of a court.
45. New Article 26C contains definitions of terms used in new Articles 26A and 26B.
46. *Subsection (2)* introduces Schedule 2. *Subsection (3)* provides that new Articles 26A to 26C will not apply in relation to any juror information that relates to service on a jury before the date when the provisions came into force. Nor will they apply in relation to information made available in jurors lists prepared before that date under Article 4 or 7 of the Juries (Northern Ireland) Order 1996.

Section 11: Chief Electoral Officer to provide additional information to Juries Officer

47. Currently the Chief Electoral Officer provides the Juries Officer with the name and address of those persons listed in the jurors lists prepared in accordance with Article 4 of the Juries (Northern Ireland) Order 1996. Section 11 amends Article 4 of the 1996 Order so as to require the Chief Electoral Officer to also provide the date of birth and national insurance number of each person on the list. The purpose of this amendment is to enable the Northern Ireland Court Service to carry out routine criminal record checks to prevent disqualified persons from serving as jurors. Section 11 also amends Articles 4 and 6 of the 1996 Order to provide that this additional information shall be included in any divisional jurors list or jury panel.

Section 12: Jurors found to be disqualified before being summoned

48. **Section 12** amends Article 8 of the Juries (Northern Ireland) Order 1996 to provide that a Juries Officer is not to summon a person included in a jury panel where he is satisfied, as a result of a check carried out by a member of the Northern Ireland Court Service, that the person is disqualified or not qualified for jury service.

Section 13: Abolition of peremptory challenge in criminal cases

49. **Section 13** amends Article 15 of the Juries (Northern Ireland) Order 1996 to remove the right of a person arraigned on indictment to challenge up to twelve jurors without the need to show cause (known as ‘peremptory challenge’). It also provides that a judge may hear any challenge for cause in camera or in chambers.