



Ministry
of Justice

Guidance for summoning officers when considering deferral and excusal applications

March 2023



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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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Guidance for juror 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 summoning officers dealing with such applications adopt an approach that is both fair to the individual and consistent with the requirements of the judicial system in providing a random, and therefore diverse and representative, jury. Summoning officers should therefore not hesitate to refuse a request if no “good reason” is given.
2. If good reason is shown as to why the applicant cannot attend on the date for which 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 summoning officer is satisfied that it would be unreasonable to require the individual 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 be within twelve months of the date of the summons. In deciding on the new date, any times identified by the applicant as being particularly inconvenient should be avoided wherever possible.

¹ Deferral of jury service is covered by section 9A of 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 granted or refused, the summoning officer may only exercise the power once in relation to a particular summons.

² Excusal of jury service is covered by section 9(2) of the Juries Act 1974, which 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.

Summoning officer's discretion

4. The 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 exercise discretion to defer the individual's service to a more appropriate time. Only in exceptional circumstances should a person be excused from jury service in relation to that summons.

When exercising this discretion, summoning officers should observe the following principles:

5. Section 8(1) of the Juries Act 1974 ("the 1974 Act") provides that a person summoned who shows (to the satisfaction of the appropriate officer) that they have already served on a jury, or duly attended to serve on a jury, within the two years preceding the date of their summons, shall be excused from jury service. When a person claims to have served within the prescribed period of two years, their statement should normally be accepted, subject to checking against records.
6. An application for excusal on the grounds of insufficient understanding of English should normally be granted. If in doubt, or the issue arises when the juror attends court, the juror may be brought before the judge as prescribed by section 10 of the 1974 Act.
7. When considering applications for deferral or excusal on the grounds of caring responsibilities, summoning officers should consider deferral in the first instance. Expectant parents (whose child has not yet been born or where a child is due to be placed with them for adoption); new parents (with an infant or child younger than compulsory school age);³ and breastfeeding mothers may be considered for an excusal if they cannot do jury service within the next twelve months because of their caring responsibilities. 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 secular organisations whose ideology, or beliefs, are incompatible with jury service should usually be granted. If evidence for either situation is not provided, it should be requested before the excusal application is further considered. Where jury service conflicts with an applicant's religious festival it should be deferred.

³ School admissions: School starting age - GOV.UK (www.gov.uk)

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. Potential 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 if not excused. A small business where such hardship might be suffered, or an employed charity worker whose absence may cause undue hardship to the charity or its beneficiaries, are such examples, 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 scheduled 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 deferred in the first instance. If an MP feels that it would be inappropriate to do jury service in their constituency, they should be allowed to do it elsewhere. Paragraph 4 (above) applies.
17. The Speaker of the House of Commons and deputy speakers, 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 grounds for deferral or excusal may not apply. 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. 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. 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 or trial to which they can be transferred. For example, an employee of the Crown Prosecution Service (CPS) 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 Environment Agency. Similarly, a police officer can serve where there is no particular link between the court and the station where the police officer works.

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 section 9A(1A) and 9(2A) of the 1974 Act).
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 need for a medical certificate to be produced. However, a certificate should be requested if the summoning officer considers that one is necessary to support an application for excusal on the grounds of physical disability (for example, where there is uncertainty as to the illness/ disability), or where one is required for an appeal against non-excusal.

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