



Response to

‘The upper age limit for jury
service in Northern Ireland’

1 Introduction

Age Sector Platform (ASP) welcomes the opportunity to respond to the Department of Justice consultation 'The upper age limit for jury service in Northern Ireland'.

Age Sector Platform, which was established in 2008, is a charity which supports older people to have their say on the issues that matter most to their lives. The organisation has a membership base of 35 older people's organisations and networks which represent approximately 200,000 older people across Northern Ireland.

Age Sector Platform welcomes the consultation on this matter and believes that the Department is correct to re-consider this law, especially with older people living longer and generally more active lives.

Someone born in 1975, when the current age limit was introduced, was expected to live to 73 years old. Someone born in 2011 is expected to live to 80 years old. That alone provides some justification for reviewing this age limit.

Our organisation's strap line and ethos is 'speaking from experience'. We value the opinions and experiences of older people and we believe this viewpoint should be replicated across society. We welcome the Department's efforts to ensure that the voice of older people are listened to on this issue and thank the Department for speaking to our members on this consultation in December 2011. Following that meeting we have consulted with our members further on this issue and the following provides the main comments and views of Age Sector Platform on this issue which we hope the Department of Justice finds useful in its deliberations.

Age Sector Platform Views on the Key Issues

Should the Upper Age Limit be removed?

Age Sector Platform (ASP) believes that the upper age limit for jury service should be removed for the following reasons.

ASP notes the reference to the Northern Ireland Executive's vision for promoting the social inclusion of older people which is "to ensure that age-related policies and practices create an enabling environment, which offers everyone the opportunity to make informed choices so that they may pursue healthy, active and positive ageing".

ASP believes that the Department of Justice (DOJ) proposal to increase older people's participation in jury service supports the vision of older people playing a more active role in society. As the population ages, it is important that we ensure that every effort is made to include older people in every aspect of civic society where possible and we believe that older people can continue to make a valuable contribution to society well beyond their 70th year. Every older person is different and each has their own interests and capabilities like every other age group, so it is important that the widest possible range of opportunities for keeping active in later life are maintained for this age group, including the possibility of serving on a jury.

ASP believes that the current age limit discriminates against people purely on the basis of age and it is out of step with many other developments in society such as the scrapping of the default retirement age. ASP believes that the principle of choice is important, and often absent, in many areas of policy-making and we believe that lifting the cap will enable older people to choose whether to serve on a jury if selected. ASP would point out that there are no upper age limits in many other areas of society where individuals are also in major positions of responsibility. For example, there is no age limit for people to stand in NI Assembly elections or serve as Ministers in the NI Executive, and nor should there be.

However, this principle of choice must also apply to the right of excusal for any older person approached to do jury service in future. So if the age limit is removed, the 'right of excusal' must also apply to everyone over the age of 65.

Right to Excusal

Age Sector Platform believes the current 'right to excusal' is a practical and sensible policy which supports the principle of choice, and therefore this is something that should be maintained if the proposal to remove the age cap is implemented.

As we know, the fact that older people are living longer does not mean they are necessarily healthier in their old age. Giving an older person who has health/mobility problems an option to excuse themselves is a reasonable and balanced approach. However, Age Sector Platform strongly believes that anyone over 65 should not have to prove they are unable to sit on the jury or be put under any pressure to sit on a jury if they do not want to. No undue pressure should be put on anyone over 65 to serve on a jury and this must be made very clear in all communication with people in this age group approached to serve on a jury.

Principles

Age Sector Platform agrees that the principles of 'competence, representativeness and efficiency' are appropriate for deciding on the selection of jurors but ASP also believes that another principle, that of choice, should also underpin this policy in relation to age so if people are physically and mentally able to sit on a jury they should be at least allowed the choice to take part.

Competency Test

The argument that having an upper limit reduces the risk of incompetent jurors could be counter argued by the fact there is also risk associated with the assumption that everyone under a certain age is competent, as this is obviously not the case. ASP believes therefore that it is wrong to rule out a section of society from participating in

this important part of the legal system based on the basis of age alone. In fact, every effort should be made to ensure that older people are represented throughout all aspects of the legal system, including in relation to industrial tribunal panels etc.

We note that the consultation document itself highlights that there is no evidence of any perceived or actual reduction in the competence of juries since the upper age limit was abolished in the Republic of Ireland in 2009, alongside an automatic right to excusal for those aged 65 and over. There are also no reported problems emerging from Scotland since the age limit was lifted in January 2011. Therefore, this provides some reassurance that this should not be a major issue or barrier in removing the age limit.

Age Sector Platform believes that the vast majority of older people with disabilities and other significant health problems are very likely to excuse themselves from jury service, and that the majority of older people who make themselves available will be those who are in reasonable health. The older people we consulted were very aware of their physical limitations and were aware of the potential strain of sitting on a jury particular when there is likely to be a long trial.

Financial Cost

ASP is very aware of the current difficult financial climate and, while it is not the primary consideration in many debates, ASP always considers any financial impact of policy changes seriously when providing a response to Government.

Our members asked at a meeting in December whether this change was being driven by a strong desire from the older population, which it is not. Therefore, the cost of the proposed change was a factor when we were considering our response to this matter as there are clearly many higher priorities for older people at this time, including within the Department of Justice itself.

The partial regulatory impact assessment (section 9) indicates, however, that the estimated financial costs of abolishing the age limit would be minimal.

Furthermore, the assessment also indicates that the abolition of the limit would have a net economic benefit, when savings to employers and Government are also taken into account.

In light of this, we believe that there is no good reason for keeping the upper age limit and we recommend that it be removed completely as long as everyone over the age of 65 retains the right of excusal if they wish not to take part.

Age Sector Platform Members

Age NI

ALLY Foyle

Amicus Retired Members

AT&GWU Retired Members Association

Carers NI

Castlereagh Lifestyle Forum

Chinese Welfare Association

Civil Service Pensioners' Alliance (CSPA)

Communications Workers Union (NI Regional Retired Members)

East Belfast Seniors Forum

Engage with Age

Friendship Federation

GMB Retired Members

Greater Shankill Senior Citizens' Forum

Indian Community Centre 50+ Club

NASUWT Retired Members Association

National Federation of Occupational Pensioners

Newry and Mourne Senior Citizens' Consortium

Newtownabbey Senior Citizens' Forum

NIC ICTU Retired Workers Committee

North Belfast Senior Citizens Forum

Northern Ireland Pensioners Convention

Northern Ireland Public Service Alliance (NIPSA) Retired Members Association

Older Women's Network

Pensioners Actively Lobbying Services (PALS)

Public Commercial Services Union (Associate and Retired Members)

Sperrin Lakeland Senior Citizens' Consortium

UNISON Retired Members

University of the Third Age (NI)

West Belfast 50+ Forum

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