

Submission  
No 12

**INQUIRY INTO THE ELIGIBILITY OF MEMBERS OF  
PARLIAMENT TO SERVE ON JURIES**

**Organisation:** House of Lords  
**Name:** The Rt Hon the Baroness Hayman  
**Position:** Lord Speaker  
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## SUMMONING OF MEMBERS OF THE HOUSE OF LORDS FOR JURY SERVICE

The long-standing privilege of Peers not to be liable for jury service<sup>i</sup>, was enacted as a statutory exemption by section 9 of the Juries Act 1870<sup>ii</sup>. Under section 9(1) of the Juries Act 1974<sup>iii</sup> the exemption was replaced by a right to excusal (which the Member could, but need not, claim). But excusal as of right was abolished in April 2004 (as a result of amendments made to section 9 by section 321 of, and Schedule 33 to, the Criminal Justice Act 2003<sup>iv</sup>) and replaced with a discretion, vested in a court official and exercisable at the time of summons, to excuse attendance where satisfied that there is good reason to do so. There is a right of appeal to the court against a refusal to excuse attendance<sup>v</sup>. It is also open to a person who has attended for jury service in response to a summons to apply to the court to be excused<sup>vi</sup>.

The Lord Chancellor has given statutory guidance<sup>vii</sup> to court officials who are responsible for summoning persons for jury service, setting out<sup>viii</sup> the general principles that are to govern the exercise of discretion in cases where it would not be reasonable to expect a person to attend for jury service at the time for which they are summoned. In that event, the obligation to attend for jury service should be deferred to a more appropriate time; and “only in extreme circumstances, should a person be excused from jury service”. The guidance goes on to provide that “members of parliament who seek excusal of jury service on the grounds of parliamentary duties should be offered deferral in the first instance”<sup>ix</sup>.

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<sup>i</sup> Richard West, *An enquiry into the origin and manner of creating peers*, London, 1782, page 28.

<sup>ii</sup> 33 & 34 Vict. c.75.

<sup>iii</sup> 1974 c.23.

<sup>iv</sup> 2003 c.44.

<sup>v</sup> See section 9(3) and (4).

<sup>vi</sup> Amendment ([2005] 1 WLR 1361) to the *Consolidated Criminal Practice Direction* ([2002] 1 WLR 1162).

<sup>vii</sup> See section 9AA of the Juries Act 1974.

<sup>viii</sup> *Guidance for summoning officers when considering deferral and excusal applications*, paragraph 4.

<sup>ix</sup> *Ibid*, paragraph 16.