

Jurors can be over 65

People over the age of 65 will be eligible to take part in jury service from tomorrow as key changes to modernise Scots law come into force.

Since 1980, an upper age limit for jury duty has been imposed in Scotland which has prohibited those over the age of 65 from serving. However, Ministers believe that the system is outdated, ageist and fails to recognise the added life experience and perspective that Scots over the age of 65 can offer.

Now, following unanimous approval by the Scottish Parliament, the upper age limit for jury service has been abolished. The move will increase the pool of potential jurors available to Scotland's courts and ease the burden on younger members of the public who may have to juggle family and work commitments.

Normal jury selection processes will still apply, but under the new arrangements those aged 71 and over who do not want or feel able to serve on a jury will have a right to be excused – which can be exercised right up until the day of trial.

Justice Secretary Kenny MacAskill said:

“Scotland's jury service system was outdated, ageist and in need of modernisation. Scots continue to live active lives long after retirement and they make a valuable contribution to communities up and down the country.

“The idea that they should be debarred from taking part in jury duty was frankly ridiculous, insulting and it is time for change.

“Scotland's over 65s have a wealth of life experience and perspective which they can bring to the jury benches, strengthening the juries on which our criminal justice system

depends.

“The composition of juries should be a true reflection of our society but the current age limit is clearly leaving people in later life under-represented.

“I’m sure there will be a lot of interest from older people in performing a civic duty to ensure justice is delivered in our courts. However, they are also being given the right to opt out of jury duty. This means that those who feel health or mobility problems would make it difficult for them to be a member of a jury, or who do not wish to serve for any other reason, are not required to do so.

“This change in the law will remove a clear discrimination and help change attitudes. It will also bring operational benefits, enlarging the pool of potential jurors for Scotland’s courts.”

David Manion, Chief Executive of Age Scotland, said:

“We welcome this change and the Scottish Government’s recognition of the contribution Scotland’s older people can make to the jury service system.

“It is inescapably ageist to have an upper age limit for jurors. It implies that anyone above that age is incapable of fulfilling their civic duties, something that is categorically not true. Older people themselves are best placed to judge their abilities and allowing the over 70s the choice of whether to accept jury summons will allow those older people who are both able and willing to serve on a jury to do so.

“The Scottish Government and Scottish Parliament is to be congratulated for leading the way on this.”

The changes to jury duty are being brought in as part of the Criminal Justice and Licensing (Scotland) Act which was passed by the Scottish Parliament last year (June 30, 2010).

Prior to 1980, the qualifications for jury service were set out in the Jurors (Scotland) Act 1825. That legislation provided for an age limit of 21 – 60.

Each year 150,000 people are called for jury service of whom around 10 per cent are selected.