

Justice Bill 2014

Consultation response submitted by the Commissioner for Older People for Northern Ireland

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Written evidence submitted by the Commissioner for Older People
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Summary and Recommendations

The Commissioner for Older People for Northern Ireland (the “Commissioner”) welcomes the proposals to abolish the maximum age for jury service in Northern Ireland.

The proposed amendment outlined within Part 8 of the Justice Bill 2014 (The Bill) will provide an opportunity for older people to fully carry out an important civic function as members of a jury panel. The breadth of knowledge and experience that many older people will bring to this particular role will be of great benefit to many subsequent jury trials.

It is of equal import that Part 8 of the Bill also confirms that where older people over the age of 70 do not wish to participate as members of a jury that they have a right to be excused from service.

One of the primary roles of the Commissioner’s office is to promote the provision of opportunities for and the elimination of discrimination against older people. The proposed amendments in Part 8 of the Bill are very much in keeping with these particular aims.

Introduction

1. The office of the Commissioner for Older People for Northern Ireland is an independent public body established under the Commissioner for Older People Act (Northern Ireland) 2011.
2. The Commissioner has an extensive range of general powers and duties which will provide the statutory remit for the exercise of her functions. In addition the Commissioner may provide advice or information on any matter concerning the interests of older people. Her wide ranging legal powers and duties include amongst others:
 - To promote and safeguard the interests of older people (defined as being those aged over 60 years and in exceptional cases, those aged over 50 years);
 - To keep under review the adequacy and effectiveness of law and practice relating to the interests of older people;
 - To keep under review the adequacy and effectiveness of services provided for older persons by relevant authorities (defined as being local councils and

organisations including health and social care trusts, education boards and private and public residential care homes);

- To promote the provision of opportunities for and the elimination of discrimination against older persons;
 - To review and where appropriate, investigate advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities;
 - To assist with complaints to and against relevant authorities;
 - The power to bring, intervene in or assist in legal proceedings in respect of relevant authorities;
 - To issue guidance and make representations about any matter concerning the interests of older people.
3. The Commissioner's powers and duties are underpinned by the United Nations Principles for Older Persons (1991) which include Independence, Participation, Care, Self-fulfilment and Dignity.
 4. The Commissioner welcomes the opportunity to comment to the Department of Justice on the proposed Justice Bill 2014.

Maximum Age for Jury Service

5. The Commissioner welcomes the proposal in Part 8 of the Bill to abolish the maximum age for jury service¹. Under the current Juries NI Order 1996 the eligible age for jury service is between eighteen and seventy years.² Placing an age limit on jury service precludes a large section of older people in Northern Ireland. Many of those currently precluded from jury service as a result of age have wide ranging and relevant experience that would prove invaluable to any jury panel.
6. It is important that older people are given the opportunity to fully participate in and contribute towards civic society. The United Nations Principles for Older Persons (1991) indicated that Older People should be able to seek and develop opportunities for service to the community. Ensuring that as many older people as possible are given the opportunity to participate in jury panels adheres to the aspirations outlined within those United Nations Principles.
7. The Commissioner has a statutory duty to promote the provision of opportunities for, and the elimination of discrimination against, older persons.³ The removal of an age

¹ S. 72 Justice Bill 2014

² Art 3(1) Juries NI Order 1996

³ Art 3(4) Commissioner for Older People Act (Northern Ireland) 2011

limit on jury service is a welcome step in ensuring that no older person is prevented from service merely as a result of their age. The opportunity to sit on a jury panel should be open to as many people as possible to ensure a wide breadth of knowledge and life experience. Removing the age limit will ultimately provide opportunities for many older people to actively participate in and sit on jury panels bringing their individual skills and experience to the task.

8. The proposal to abolish the maximum age for jury service compliments the strategic aims of the '*Active Ageing Strategy 2014 -20*'⁴. In particular the strategic aim of promoting active participation and citizenship of older people is satisfied by this proposal. The Commissioner views participation as an essential part of any Active Ageing strategy and views this proposal as an opportunity for older people to maximise their potential.

Persons Excusable as of Right from Jury service

9. Part 8 of the Bill further amends the Juries NI Order 1996 by including older people aged over seventy years as persons excusable as of right from jury service.⁵ Currently older people between the ages of sixty five and seventy are excusable⁶. Whilst many older people will engage with jury panels there may be others who do not wish to take part in this civic function.
10. Some older people may not wish to avail of the opportunity to sit on a jury for a number of reasons including concerns about the time commitment, family commitments and responsibilities as well as potential impact on health. The Commissioner welcomes the introduction of a right for persons to be excused from jury service over the age of seventy. However, the Commissioner also believes that a full and comprehensive equality impact review should take place to ensure that older people aged between sixty five and seventy are not disproportionately affected by this amendment.
11. It is essential that older people are provided with the opportunity to actively engage and participate in jury panels. Equally, there may be occasions when older people do not wish to sit as jury panel members. The legislation should adequately provide for those circumstances by including a right to be excused from service. There is no indication within the Bill as to why the age of older people being excused from

⁴ Active Ageing Strategy 2014-2020; Office of First Minister and Deputy First Minister – February 2014

⁵ S.76(4) Justice Bill 2014

⁶ Schedule 3 Juries NI Order 1996

service has been increased from sixty five to seventy years. As outlined above this amended change should be subject to a thorough equality impact assessment. There should not be any undue disadvantage placed on older people as a result of new legislation.

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