

What are the advantages and disadvantages of the current jury system in the uk

Law



The Advantages and Disadvantages of the Current Jury System in the UK

The UK jury system has its share of advantages and disadvantages. The first advantage is that it provides persons accused of various offenses with the opportunity to get a fair trial, especially when the offenses are deemed more serious. This increases the accused person's chances of getting fairer sentences. The jury acts as a revelatory of the public's feeling. Generally, the public has confidence in the jury system because it values public participation. For example, in *R v Ponting* for example, D, working as a civil servant, saw documents indicating that the Government (of MT) had lied concerning the sinking of the ship called "General Belgrano" which happened during the Falklands War. D submitted copies of these documents to an MP from the opposition camp so that the issue could be raised in parliament. D was charged in accordance with the Official Secrets Act. Despite the clear knowledge that D's actions amounted to an offense, he was acquitted by the jury¹. The case above presents convincing evidence that the jury system acts as a counter balance to politically motivated and other improper prosecutions. Although they do not reveal their reasons for acquitting or convicting, juries provide certainty of their actions and this increases public confidence. Juries can also act on their conscience in addition to relying on evidence. This has the advantage of delivering justice even where confident witnesses present biased evidence.

Despite these advantages, the jury system as applied in the UK has several disadvantages. First, the jury system increases the costs incurred by courts. The group of jurors handling the case must be paid as well as the pool of jurors from which the jury has been selected. In addition, other court

personnel are employed for the purposes of ministering to the jury during all stages of the case. Furthermore, the making of a verdict by one judge alone costs about £1, 000 per day while a jury's verdict costs about £7, 400 per day, which is significantly more expensive.

There is evidence of perverse verdicts in the UK jury system. This is where juries make decisions that are outright against the law. One case in point in relation to this is R v Owen. In this case, it was established that D fired a sawn off a gun at T because T had killed his son through careless driving. T had been sentenced to serve a term of 12 months. D felt this was not enough, the reason for his action. D was tried for intentional malicious wounding and attempted murder. However, he was acquitted by Maidstone Crown Court's jury².

It is without bias to state that for a number of reasons, the UK jury system lacks the competence to conduct its role. One of the reasons for this situation is that the average intelligence of the UK juries has declined, and they are now less likely to understand financial matters. Because of this, they are not likely to appreciate evidences presented in fraud cases³. The lack of scientific knowledge also limits their understanding of scientific evidence. Incompetence in the UK jury system also comes about due to the juries' misconceptions of classes or types of witnesses. As study on the UK jury system indicates that jurors tend to believe in confident witnesses compared to those who are less confident⁴. There is also a tendency to rely on the opinion of experts without a question.

It is possible to tamper with the current UK jury system, and this disadvantage is linked to the fact that juries are not required to mention the

reasoning behind their acquittals or convictions. This is a great cause for concern considering that it increases the risk of rendering erroneous verdicts due to the nullification or lack of ability to apply the law to the given facts, or understand the complex factors surrounding a case. The jury also has the ability to bend or manipulate the law/ without breaking it.

Juries can display bias which makes it hard for them to appreciate the value of large sum. *Sutcliffe v Pressdram Ltd* exemplifies this. In the case, a private called Private Eye libelled C, the wife of the Yorkshire Ripper, in one of its articles stating that she has known the activities of her husband. The jury awarded her £600, 000 for damages. This was excessive and a new trial settled for £60, 0005. UK juries record a higher acquittal rate compared to normal courts and this gives the picture that the UK jury system can be manipulated by powerful/influential defendants against less powerful/influential/unfavoured victims.

Yet another issue that is evident in the system is that there is underrepresentation of some ethnic groups in the jury which predisposes some people to unfair judgments. In *Smith, R v [2003] CA*, D a black man was convicted for causing serious bodily harm on T. The trial for the violent incident was conducted by an all-white jury. The victim and all witnesses were also white. D appealed on the grounds that a multi-racial jury was required for a fair trial in such a case. However, his appeal was dismissed and he was declared guilty⁶.

References

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