

29 APR 2010



# Ministry of JUSTICE

## Better Trials Unit

102 Petty France  
London  
SW1H 9AJ

T: 020 3334 3555

F: 020 3333 444 55

E: [general.queries@justice.gsi.gov.uk](mailto:general.queries@justice.gsi.gov.uk)

[www.justice.gov.uk](http://www.justice.gov.uk)

Mr. Bill Walden-Jones , Chief Executive Hafal  
Hafal Head Office  
Suite C2, William Knox House  
Brittanic Way  
Llandarcy  
Neath  
SA10 6EL

Your ref:  
Our ref: 272916

Date: 26 April 2010

Dear Mr. Walden-Jones,

Thank you for your letter dated 4 February 2010 to the Rt. Hon. Jack Straw MP about the eligibility of mentally ill people to serve on juries. As a Government Minister Mr. Straw receives thousands of letters every week and it is impossible for him to answer them all personally, therefore your letter has been passed to this unit in the Ministry of Justice for reply. Please accept our apologies for the delay.

The Government believes that the public has an essential part to play in the criminal justice system. Serving on a jury is one of the principal ways in which people can engage with the system. In addition, we are committed to tackling the stigma and discrimination associated with mental health, breaking down barriers to participation in employment, education and life in the community.

However, we would have to be sure that any change would strengthen our jury system. We have noted Rethink's view that the quality of justice might be improved if juries included individuals with direct experience of mental illness. And we recognise that the present blanket exclusion of people receiving treatment for their mental health may exclude many people who are perfectly able to serve as jurors. But there can be no question of changing the law to allow people to serve as jurors where their ability to do so is in doubt. To do so would be to undermine, not to strengthen, the current system.

There are a number of ways in which the law might be changed to permit some people to serve despite the fact that they are being treated for mental illness, should that be considered appropriate. A capacity test based on the 2005 Mental Capacity Act is one of the options on which we would be minded to invite views before considering any changes to the present position. Jury service is however first and foremost a duty, if called to serve, not a civil right. We therefore do not agree that the present rule is discriminatory.

The figures suggest that the number of people affected is fairly small in terms of the overall number of people called for jury service. For example, in March and April 2008 the Jury Central Summoning Bureau summoned 62,559 people for jury service

and disqualified 14,647. Of those, 1,524 were disqualified on grounds of mental health, (2% of the total). That equates to approximately 9,000 people a year.

On balance, the Government is not persuaded that a change to the present position would necessarily be of such great value to the administration of justice, which must remain our foremost concern. We will of course continue to keep the position under review, including the timing of any public consultation.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized, cursive letter 'A' followed by a horizontal line that ends in a small upward curve.

**Ministry of Justice**