

Scottish Legal News

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Juryless trials condemned by four bars

Plans for juryless trials have been condemned by the Scottish, English, Irish and Northern Ireland bars.

Following a meeting of the four bars in Belfast recently, their leadership issued a joint statement on the proposed removal of juries for rape and other serious sexual offence trials in Scotland.

The statement was made by Roddy Dunlop KC, Dean of Faculty; Sara Phelan SC, chair, The Bar of Ireland; Moira Smyth KC, chair, The Bar of Northern Ireland and Sam Townend KC, chair of the Bar Council of England & Wales.

They said: "It is a matter of considerable concern to the Four Bars that the removal of juries, made up of a cross-section of the public, for rape and other serious sexual offence trials continues to be pursued in Scotland.

"The proposal has drawn substantial and widespread criticism from academics and the majority of legal professionals. The evidence base demonstrating the possible benefits of such a change is narrow and there are foreseeable negative consequences, including the undermining of faith in, and respect for, the role of the jury throughout our criminal justice systems.

"Trial by a jury of one's peers is respected throughout the common law world for its veneration of democratic ideals, its age, gender and ethnic inclusiveness, and its respect for citizens' and judges' respective roles in the administration of trials of the most serious offences where loss of liberty for a long period is in contemplation.

"It is for precisely that reason that the constitutions of many common law jurisdictions recognise the importance of the right to jury trial.

"At a time when the separation of court and state, so crucial to liberal democracy, is under attack, the Four Bars stand as one in opposition to this unjustified and dangerous proposed development. It is hoped that the new First Minister of Scotland will heed these concerns, and change course."