

7.7 Jury Service & Witness in Court

Special leave for staff members in Teagasc called as witnesses on behalf of the State

Staff members who are required to attend court as a witness will be granted special leave and the following arrangements should be followed:

- A staff member required to attend in court as a witness on behalf of the state in criminal or civil proceedings must attend.
- Attendance may be required by means of a summons or subpoena or may be arranged through the Department.
- The attendance in court should be regarded as part of the staff member's official duties and normal salary/wages should be paid for the period of necessary absence. They should also be granted traveling expenses and subsistence allowance subject to usual regulations.
- The amount of such traveling expenses and subsistence should be charged to the Vote for the staff members department. The staff member can ask the prosecuting authority to claim any expenses to which they may be entitled as a witness.
- In civil proceedings where the State is successful, the State Solicitor should claim the amount of the traveling expenses and subsistence allowance payable to the staff member by their Department (sums recovered are normally paid to the prosecution or the State Solicitor and credited to the Vote for Law Charges. If they are received by the staff member they should be surrendered to their Department and forwarded to the Department of Finance for appropriation in aid of the Vote for Law Charges). A claim for recovery of salary or for loss of services should not be made.

Staff members in Teagasc called as Witnesses on behalf of parties other than the State

A member of staff will be granted special leave with pay to attend as a witness on behalf of a party other than the State provided they have been served with a summons or subpoena for the period of necessary absence.

If they are called as a witness in connection with a matter coming before them in their official capacity they should be granted traveling expenses and subsistence allowance, subject to the usual regulations.

The staff member should claim the amounts owed to them by way of traveling expenses and subsistence allowance from the party requesting their attendance.

If at all possible the staff member should give the party preliminary notice that the claim will be made.

A staff member called as witness on matters not connected with their official duty should not be paid traveling expenses and subsistence allowance but may keep any amounts by way of witness expenses.

A claim for recovery of salary or loss of service should not be made.

A staff member required to attend court as a witness during a period of annual leave will have annual leave suitably adjusted.

A staff member on annual leave required to attend in court on behalf of the State or on behalf of a party other than the State in connection with a matter coming before them in their official capacity may be paid traveling expenses and subsistence allowance, if appropriate provided the traveling and subsistence regulations relating to recall from annual leave are fulfilled.

All of the above provisions will not apply where special arrangements are in force for furnishing of expert evidence in Court by professional or technical officers at the request of parties other than the state.

Special leave for Jury Service

All citizens between the ages of 18 and 70 years who are entered in the register of Dail electors are qualified and liable to serve as jurors. However persons who wish to be excused from such service can be in certain circumstances.

Liability for Jury Service

Staff members within the age limits and on the register fall into three groups as follows:

- (a) Those ineligible for jury service – this group cannot serve on a jury i.e. officers concerned with the administration of justice
- (b) those excusable as of right – any person who has served, or attended to serve, on a jury within the previous 3 years
- (c) those not within either (a) or (b) – an officer in this category is required to attend for jury service if summoned to do so. Section 9 of the Act enables the county registrar in certain circumstances, or the court to grant excusal where a good reason is shown.

Penalties

A person who has not been disqualified, ineligible for or excused from jury service fails without reasonable excuse to attend as summoned or makes a false representation with the intention of evading jury service is liable to a fine not exceeding €63. A person who serves on a jury knowing that they are ineligible is liable to a similar fine; if a person who serves knows that they are disqualified the fine may be up to €253.

Procedures

Persons summoned for jury service are given detailed information about the provisions relating to disqualification, ineligibility and excusal. In the form which must be returned to the registrar, they must indicate that they are disqualified or ineligible if that is the case. If they wish to be excused, they must apply for this on the form

Any staff member who has doubts as to what category they fall into, should contact the relevant county registrar's office

A staff member who is summoned for jury service and who is not disqualified or ineligible should inform their line manager of the summons and if they apply for excusal should inform them of the outcome. The line manager for their part should as necessary consider whether the staff member is one in respect of whom excusal as of right in the public interest would be appropriate. If so, they should take steps towards the possible issue of a certificate as required in favour of the staff member. Please note that the certificate must be to the effect “it would be contrary to the public interest for the staff member to have to serve as a juror because they perform essential and urgent services of public importance that cannot reasonably be performed by another or postponed”.

A staff member in respect of whom such a certificate is issued should notify the county registrar of their wish to be excused from jury service, enclosing the certificate.

Time off

Staff members who attend for jury service should be given time off from duty with full pay.

| Version | Revision Date | Summary of Changes | Policy Owner |
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