



HOUSE OF LORDS,
SWIA OPW

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Rene Austin
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The Rt Hon Margaret Thatcher MP
Prime Minister
No 10 Downing Street
LONDON
SW1

30 October 1986

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My dear Margaret: Civil Juries in Northern Ireland

I intend to promote an Order in Council in the near future which will amend the court procedure in personal injury actions in the High Court in Northern Ireland so as to remove the right to jury trial. This will bring Northern Ireland into line with England and Wales but is likely to provoke some controversy, probably inspired by the legal profession and the trade unions, both of whom have a vested interest. I am currently seeking the views of the Secretary of State for Northern Ireland (copy memorandum attached) and this is simply to keep you informed.

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HOUSE OF LORDS,
SWIA OPW

30 October 1986

Secretary of State for Northern Ireland

THE USE OF JURIES IN PERSONAL INJURY ACTIONS IN NORTHERN IRELAND

1. I have now completed the review announced on 15 November 1985 and have concluded that legislation should be promoted to abolish the use of juries in personal injury actions in Northern Ireland. The purpose of this memorandum is to ensure that you have no objection to this course of action.
2. The announcement of my decision will no doubt promote some controversy, inspired by the traditional opponents of a change - the Bar, the Law Society and the Trade Unions. The judges, who previously fell into this group have now withdrawn their opposition and it is also interesting to note that the Republic of Ireland - whose position was quoted by the Bar in 1981 as one reason against change in Northern Ireland - is currently legislating to abolish juries in these types of actions.
3. The composition of the group in favour of a change is also fairly predictable; it included the insurers, employers, accountants, and the Consumer Council.
4. The pressure for change has always arisen from the belief that the removal of juries will result in lower awards and reduced legal costs. This will, it has been suggested, result in lower premiums for public and industrial liability insurance. The insurance industry, while apparently encouraging this belief is careful in its comments. They say -

"It might well be that the general scale of awards in Northern Ireland would remain above that applying in Great Britain and that would continue to be reflected in the level of premiums. However it is felt that abolition would provide, in the longer term, the benefits of greater certainty and quicker settlement of plaintiffs' claims. It would also lead to substantial cost savings for all parties."



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5. I have no doubt that following abolition of juries, the judges would not be inclined to initiate much lower awards. However, I believe that awards made by judges sitting alone should result in more consistent and predictable awards, which would lead inevitably to earlier settlements and lower costs.
6. Abolition would lead to a number of resource savings - the time spent by a judge four days each week swearing in juries for sittings which very often do not take place; the use of courtrooms used for this purpose; staff time; and the cost of summoning jurors and paying their expenses. It has been calculated that this would lead to savings in the region of £70,000 per year in addition to making a judge and courtroom available for other business on one or two days per week.
7. It is likely that initially these savings would be counterbalanced by an increase in the number of contests which would almost inevitably arise as the new system is tested by the legal profession, but I expect that this would soon settle down as a pattern of awards emerged.
8. Once my decision has been made public it will be a matter of promoting the Order in Council required by section 62(7) of the Judicature (Northern Ireland) Act 1978. This would have to be approved in draft by resolution of each House of Parliament.
9. I look forward to hearing your views and am also copying this memorandum to the Attorney General and the Secretary of State for Scotland so that they can comment if they wish. I am also informing the Prime Minister in view of the controversy which may arise.

H. of Sr. M.

30 Oct 86



3. I have no doubt that following abolition of juries, the judges would not be inclined to tolerate such lower awards. However, I believe that awards made by judges sitting alone should result in more consistent and predictable awards which would lead inevitably to earlier settlements and lower costs.

4. Abolition would lead to a number of resource savings - the time spent by a judge for each week awaiting a verdict for sitting which very often is not also placed the use of courtrooms used for this purpose, staff time and the cost of summoning jurors and paying their expenses. It has been calculated that this would lead to savings in the region of £10,000 per year in addition to the judge and courtroom available for other business on one or two days per week.

5. It is likely that initially these savings would be counterbalanced by an increase in the number of courtrooms which would almost inevitably arise as the system is tested by the legal profession, but I expect that this would soon set down as a pattern of awards changed.

6. One objection has been made pointing out that it will be a matter of procedure for Order in Council required by section 63(1) of the Statute (Northern Ireland) Act 1972. This would have to be approved in draft by resolution of each House of Parliament.

7. I look forward to hearing your views and on also copying this memorandum to Attorney General and the Secretary of State for Scotland so that they can comment if they wish. I am also referring the Prime Minister in view of the controversy which may arise.

M. J. H.
30 Dec 78