

# The Modern Scottish Jury in Criminal Trials

## October 2008

### Introduction

The Federation of Small Businesses is Scotland's largest direct-member business organisation, representing almost 20,000 members. The FSB campaigns for an economic and social environment which allows small businesses to prosper.

The FSB welcomes the opportunity to submit a response to this consultation, but we will restrict our comments to the areas of the consultation where we feel we have something relevant and constructive to contribute.

### Eligibility and Excusal from Service

The FSB would very much welcome the proposal that the self-employed be exempt from jury service. Scotland's self-employed now represent 11% of all Scottish workers. The Scottish Government is right to recognise in the consultation that by being away from the business on jury service, a self-employed individual is at a disadvantage to someone in either a larger business or the public sector, who may continue to be paid for the duration of the service. A small amount of financial recompense is not really the issue for a self-employed individual; they just want to get on with running their business. Any loss of time for the self-employed equals a loss of productivity, as well as a loss of income.

Indeed, even in a micro business with under ten employees, (*which makes up 93% of businesses in Scotland and 26% of those employed in businesses in Scotland*), an individual employee being away on extended leave is an issue. While it may not be practical to exclude half a million people who work in micro businesses from jury service, when drafting any changes to the law, the difficulties experienced by the loss of staff in a micro business, even for a short time, should be borne in mind.

### Juror Recompense

The FSB welcomes the recognition of the self-employed and small businesses in this consultation. While we do not have any statistical evidence to underline the point, with 26% of businesses in Scotland employing fewer than ten people and many of those employing fewer than five, those businesses have to work harder to cover for absent staff. This is clearly an additional expense and inconvenience for the business.

The FSB would like to see some form of compensation for small businesses that lose staff members over an extended period, during longer trials – perhaps for longer than ten days.

## **Conclusion**

The FSB is pleased to submit our comments on the above consultation and we hope that they are taken into consideration. While we do not have particular evidence or expertise in this area, we would welcome the opportunity to discuss this issue further with the Scottish Government.

For further information on any of the points raised in this submission, please contact Martyn McIntyre, Policy Officer, on [martyn.mcintyre@fsb.org.uk](mailto:martyn.mcintyre@fsb.org.uk) or **0141 221 0775**.