

JURIES ACT

CHAPTER 5:70

Act

L.I. 6 of 1914

Amended by

L.I. 9 of 1927

5 of 1930

30 of 1937

19 of 1939

16 of 1956

33 of 1965

25 of 1973

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CHAPTER 5.70

JURIES ACT

1961 Ed.
Cap. 68.
L.I. 6 of 1914.

AN ACT respecting the qualifications of and liability to serve as a juror and matters incidental thereto.

Commencement.

[1st July 1914]

PRELIMINARY

Short title.

1. This Act may be cited as the –

JURIES ACT.

Interpretation.
[25 of 1973
12 of 1990].

2. (1) In this Act –

“alphabetical order” means alphabetical order of surnames;

“business” includes the cultivation of land; but where two or more parcels of land are cultivated as distinct units, the cultivation of each such parcel shall be deemed to be a distinct business;

“civil proceeding” means any proceeding other than a criminal proceeding;

“counters” means slips, disks or pieces of wood, metal, paper, parchment, bone, ivory, or other similar substance;

“juror” means person whose name is included in a jurors’ register for the time being in force;

“jurors’ register” when not qualified by the addition of a year, means jurors’ register for the time being in force;

“Magistrate” means Magistrate of the district, in which is situate the Court House;

“prescribed particulars” means the place of abode and the title, quality,

“proceeding” includes cause, matter or issue of fact, in the High Court;

“Registrar” means the Registrar of the High Court and includes any representative authorised in writing by the Registrar;

“session” means a series of sittings of the High Court between any vacation and the next following vacation; and, where there are sittings in the latter vacation, includes such sittings.

(2) “The prescribed manner” of entering names in a panel of array is by entering the names in alphabetical order; writing opposite to each name the place of abode of the person named; and prefixing the number “1” to the first name, the number “2” to the second name, and so on, in respect of each name, in an arithmetical series.

3. (1) The Registrar shall, if and when necessary, at the expense of the State, provide himself with a jurors’ book, a preliminary panel book, a ballot box and a sufficient number of counters for carrying out the provisions of this Act.

Books, ballot box and counters.

(2) The counters so provided shall be numbered, respectively, in an arithmetical series, from one upwards, and shall be, as far as possible, exactly similar each to the other, except as regards the numbers, so as not to be distinguishable to the touch.

PART I

QUALIFICATION OF JURORS

4. Every person between the ages of twenty-one and sixty years residing in the State shall, unless exempted under section 5 or disqualified under section 6, be liable to serve as a juror.

Qualification of jurors.
[23 of 1965
25 of 1973
8 of 1983
12 of 1990].

5. Each of the persons described in the First Schedule shall be exempt from serving as a juror.

Exemption.
[25 of 1973]
First Schedule.

6. Each of the following persons shall be disqualified from serving as a juror:

Disqualification.
[25 of 1973].

(a) aliens;

(b) persons disabled by unsoundness of mind, or by deafness, blindness, or other permanent infirmity of body;

(c) persons who have been previously convicted of any treason, felony or infamous crime and have not received a free pardon; and

(d) persons who cannot read and write the English language and understand the same when spoken.

PART II

JURORS' REGISTER

Jurors' list.
[25 of 1973].

7. Between the first and seventh days of December of every year after the commencement of this Act, the Registrar –

Second
Schedule.

- (a) shall make out, in the form in the Second Schedule, a list for the ensuing calendar year, in alphabetical order, of all persons resident in the State who in his opinion are liable to serve as jurors, with the full given name and surname and the prescribed particulars of each such person set forth to the best of his knowledge and belief in the proper columns of the list; and
- (b) when the list is completed, shall write at the end thereof a notice, in the form in the Second Schedule, stating the day on which the list will be revised by the Magistrate, which day shall be the day of the first sitting of the Magistrate's Court after the expiration of fourteen days from the day of the publication of the list and notice as provided in section 8.

Publication of
jurors' list.

8. (1) As soon as practicable after the Registrar has completed the list and notice, he shall publish the same by causing a copy thereof to be inserted in at least one issue of a newspaper circulating in the State or in the *Gazette*, or by causing a copy of the list and notice to be posted in a conspicuous place at or near the door or one of the doors of the Court House and in such other place or places as the President may from time to time direct.

(2) When the list and notice are published by copies being posted as aforesaid, the copies shall be kept posted until after the list has been revised as provided in section 9.

Revision of
jurors' list.
[25 of 1973].

9. (1) When the list and notice have been made out and published by the Registrar, then, at the first sitting of the Magistrate's Court which shall be held after the expiration of fourteen days from the day of the

- (a) the Registrar shall produce to the Magistrate the original list and notice, satisfy the Magistrate as to the day on which the same were published and answer such questions as may be put to him by the Magistrate

(b) the Magistrate shall revise the list and shall upon any evidence which may be adduced before him, or of his own knowledge, information and belief –

- (i) strike out from the list the name of any person therein included who in his opinion is not liable to serve as a juror;
- (ii) add to the list the name of any person who in his opinion is liable to serve as a juror; but where the name of any person is so added, the full given name and surname and the prescribed particulars of each such person shall be set forth in the proper columns of the list to the best of his knowledge, information and belief; and
- (iii) correct any error or omission which appears to him to have been made in respect of the prescribed particulars of any person included in the list.

(2) Before making any alteration in the list, the Magistrate shall hear any objection which the Registrar may make thereto.

(3) Any person may appear at the revision, either personally or by his counsel or solicitor, and claim and adduce evidence to show that he is, or is not, liable to serve as a juror, or may, instead of appearing at the revision, give the Magistrate notice in writing of the particulars of his claim, supporting the same by such evidence as he may think fit and, in this latter case, the Magistrate shall, as far as he reasonably can, inquire into the claim, notwithstanding that the claimant does not appear before him; and, in any case where any claim is made under this subsection, the burden of proof shall lie on the person making it.

(4) The Magistrate may call any evidence which he may think fit with respect to any matter touching the revision.

(5) As soon as the list has been revised by the Magistrate, he shall write a certificate thereon in the form in the Third Schedule, and shall return the list to the Registrar.

10. (1) On the receipt of any such list, so revised and certified as aforesaid, the Registrar shall cause the list, but not the notice and certificate as the case thereof, to be entered in the Jurors' register.

Provided that –

- (a) in the heading, the word “Register” shall be substituted for the word “List”;
 - (b) the names of the persons included in the list, as revised by the Magistrate, shall be copied in the jurors’ book in alphabetical order.
- (2) The copy of the jurors’ list so made in the jurors’ book shall be the jurors’ register for the calendar year stated in the heading.
- (3) Every jurors’ register shall continue in force during the calendar year stated in the heading.
- (4) Every person whose name is included in the jurors’ register shall, while the register is in force, be liable to be summoned to, and serve at any session as a juror, as hereinafter provided.

PART III

AMENDMENT OF JURORS’ REGISTER

Amendment of
jurors’ register.
[25 of 1973].

11. At any time while a jurors’ register is in force –

- (a) the Registrar, if he has cause to believe that any person whose name is included in the register is dead, or has permanently ceased to reside in the State or is permanently disabled from serving as a juror by unsoundness of mind or by blindness, deafness or other bodily infirmity, shall bring the matter to the notice of the Magistrate, at the same time producing the register; and
- (b) the Magistrate shall thereupon inquire into the matter and if, either upon evidence adduced or of his own knowledge, information and belief, he is of opinion that the person is dead or has permanently ceased to reside in the State, or is permanently disabled from serving as a juror, he may cancel the entry in the juror’s register relating to such person by ruling lines through the entry and writing in the column of the register headed “Remarks” opposite to the entry, the word “cancelled” together with his signature and the date.

PART IV
ARRAYS OF JURORS

12. (1) Whenever the date approaches for the holding of a session, the Registrar shall, on such a day as will leave sufficient time for the persons impanelled to be duly summoned as provided in sections 17 and 18, impanel in the manner prescribed by sections 13, 14, 15, and 16 an array of jurors to serve at the session in question.

Time of
impanelling.
Number to be
impanelled.

(2) Subject to section 14(4), every array of jurors shall consist of thirty persons, but any Judge may, by an order in writing under his hand, direct a greater number to be impanelled for any session specified in the order and, when any such order has been made, the number directed in the order shall be impanelled accordingly.

13. (1) Subject to the provisions of section 14(4), the Registrar shall not impanel in an array of jurors any juror who is known or believed by him to be temporarily absent from the State and not likely to return in time to be summoned to attend the session, and shall not impanel in the same array of jurors more than one of the jurors who, to the best of his knowledge, information and belief are employed at the time in the same business; but where the number of jurors employed in the same business exceeds eight the Registrar may impanel in the same array of jurors one-third of the number of jurors so employed at the time.

Certain jurors not
to be impanelled.

(2) Where two or more distinct businesses are carried on by, or on behalf or for the benefit of, the same person or persons, the fact that a juror employed in one of such businesses has been impanelled to serve on an array shall not excuse another juror employed in another of such businesses from being impanelled in the same array.

(3) Any person carrying on or, for the time being, in charge of any business in the State may, from time to time, give to the Registrar a list of jurors employed in the business and the Registrar upon receiving the list shall, when he next proceeds to impanel a jury, make such inquiries as he may think fit and act accordingly.

jurors are, or are not, employed in the same business shall, for the purposes of this section, be final.

14. (1) When the Registrar is impanelling an array of jurors, he shall, subject to subsection (4) of this section make in the preliminary

Mode of
impanelling.

Fourth Schedule. panel book a preliminary panel, in the form in the Fourth Schedule, in which he shall, after any names which under the provisions of section 15 are to be inserted therein, insert as many more names as may be required, taken alternately from the first and the last parts of the jurors' register, as follows:

- (a) he shall ascertain which of the persons, whose names are included in the first part of the jurors' register, was impanelled last at the last impanelling of an array of jurors, whether in the same or the preceding year, and shall insert in the preliminary panel, as the next name, the name which in the register immediately succeeds the name of such person;
- (b) he shall next ascertain which of the persons, whose names are included in the last part of the register, was impanelled last at the last impanelling aforesaid, and shall insert in the preliminary panel, as the next name, the name which in the register immediately precedes the name of such person;
- (c) he shall insert in the preliminary panel, as the next name, the name which in the register is the second name below the name of the person first ascertained, as above provided, and, as the next name, the name which in the register is the second name above the name of the person last ascertained, as above provided, and so on, until as many names as may be required are inserted in the preliminary panel; but, if and whenever this is no longer possible, he shall insert in the preliminary panel the first name in the register, and next the last name in the register, and next the second name in the register, and next the last name but one in the register, and so on, until as many names as may be required are inserted in the preliminary panel.

(2) As each name is included in the preliminary panel, whether taken from the last preceding preliminary panel as prescribed in section 15, or from the register as prescribed in subsection (1) of this section, the Registrar shall —

- (a) if there is no objection, under section 13, to the person named being impanelled, write the word "Impanelled" opposite the name in the preliminary panel; or

(b) if the person named is known by the Registrar to be temporarily absent from the State and not likely to return in time to be duly summoned to the session, or is known to be employed in any business in which another person, whose name has already been inserted in the preliminary panel and therein marked "Impanelled", is known by the Registrar to be employed, the Registrar shall write in the preliminary panel, opposite the name of the person so absent or so employed as first mentioned, instead of the word "Impanelled", the words, according to the circumstances, "Temporarily absent", or "Employed in the same business as _____," (inserting the name previously inserted in the preliminary panel and therein marked "Impanelled", of the person known by the Registrar to be employed in the same business).

(3) When thirty names inserted in the preliminary panel have been marked "Impanelled", as aforesaid, the preliminary panel shall be complete.

(4) Notwithstanding anything hereinbefore contained, if, when a Registrar is impanelling an array of jurors to serve at a session, the number of jurors, whose names are included in the jurors' register, does not exceed thirty, the Registrar shall impanel, as the array to serve at the session in question, all the jurors whose names are included in the register, and such array shall be good and valid, although the number impanelled is less than thirty.

15. Every preliminary panel shall be made in the preliminary panel book and shall be signed and dated by the Registrar, and, whenever the Registrar is making out a preliminary panel under this section, if there are any names included but not marked "Impanelled" in the last preceding preliminary panel, the Registrar shall insert such names or such of them as have not been cancelled under section 11 as the first names in the new preliminary panel in the same order in which they occur in the last preceding preliminary panel.

Preliminary panel.

16. (1) As soon as a Registrar has completed a preliminary panel, he shall cause the names therein marked "Impanelled" to be entered in the preliminary panel in a panel of array.

Panel of array.

PART V
SUMMONING OF JURORS

Day for which jurors to be summoned.

17. As soon as an array of jurors has been impanelled, the Registrar shall proceed to summon each of the jurors included in the array to attend on the day fixed for the holding of the next session.

Service of summons.

18. (1) A summons to attend as a juror shall be signed by the Registrar, and may be served either –

- (a) by being delivered to the juror, or left at his usual place of abode, at least six days before the day on which the juror is summoned to attend; or
- (b) through the post office in the manner and on the conditions following:
 - (i) the summons and the duplicate thereof shall each be legibly addressed to the juror at his place of abode, as described in the jurors' register, or at such other address as the Registrar shall, after inquiry, believe to be correct, and the summons and the duplicate thereof shall each have the words "Jury Summons" legibly written thereon on the same side as the address;
 - (ii) the summons, together with the duplicate thereof, shall be delivered to the postmaster of the principal post office at his office during business hours at least eight days before the day on which the juror is cited to attend;
 - (iii) the postmaster shall compare the address on the duplicate with the address on the summons, and if they both agree, and if the summons and the duplicate both have legibly written thereon the words "Jury Summons," shall stamp the duplicate with the stamp of the post office and return it to the person who brought it to him and shall keep the summons for transmission to its address, treating it in all respects as a registered letter except that it shall be forwarded open and that no fee shall be charged.

- (iv) if it is reported to the postmaster that any summons so kept by him has not been delivered at its address, the postmaster shall endorse thereon the cause of the non-delivery and forward it without delay to the Registrar, who shall forthwith endorse on the face of the duplicate the words "Not delivered" and sign and date the endorsement;
- (v) a duplicate purporting to be a summons to a juror, stamped as hereinbefore provided and not endorsed "Not delivered" as hereinbefore provided, shall be *prima facie* evidence that the summons was duly served on the juror.

(2) No summons shall be served through the post office in any part of the State, in the manner herein provided, unless and until the President shall, in writing, notify the postmaster that jury summonses may be served through the post office in the State or in that part thereof, and the President may cancel, alter or amend the notification at any time; and any such notification which immediately prior to the commencement of this Act is in force, shall continue in force as if made under the provisions of this section.

PART VI TRIALS

19. Every application made at a session for the quashing of an array shall be heard and determined by the presiding Judge, and no array shall be quashed on the ground of any formal defect or of any breach of any of the provisions of this Act, unless the presiding Judge is satisfied that it is expedient, on the merits and in the interests of justice, that the array should be quashed.

Quashing of array.

20. If, at any session, a proceeding is brought on for trial before the jury impanelled for the trial of any other proceeding has been discharged, the presiding Judge may order another jury to be impanelled from the jurors who are not then impanelled.

A jury may be impanelled although a jury impanelled in another case have not yet been discharged.

consist of nine persons and no more.

22. When a jury is being impanelled for the trial in the High Court of any person or persons charged with any treason, felony or misdemeanour

Peremptory challenges and standing by.

- (a) the person charged, or each of the persons charged, may peremptorily and without assigning cause challenge any number of jurors, not exceeding three; and
- (b) the State shall have the same right as, at the commencement of this Act, it has in England, to ask that jurors stand by until the panel has been “gone through” or perused.

Challenges for cause.

23. When a jury is being impanelled for the trial of any proceeding, any juror, whose name has been drawn as hereinafter provided, may be challenged for cause by any of the parties to the issue, and, where any challenge is made, the same shall be inquired into by the presiding Judge, who, after hearing any evidence which may be adduced, may allow or disallow the challenge and the decision of the Judge, as to what is or is not sufficient cause, shall be final.

(2) In this section “cause” means anything which, in the opinion of the presiding Judge, renders it improper or inadvisable that the person challenged should be impanelled for the trial of the proceeding.

Mode of impanelling juries.
[25 of 1973].

24. (1) A jury for the trial of a proceeding shall be impanelled as follows :

- (a) the Registrar shall place in the ballot box, for every name included in the panel of the array, a counter inscribed with a number corresponding to the number prefixed to the name in the panel and, having thoroughly intermixed the counters, shall proceed to draw, one by one, out of the box, nine counters, and, as each counter is drawn, shall write down the number inscribed on the counter and, opposite to the number, the name in the panel to which that number is prefixed, and call out the name. The juror named shall then enter the jurors’ box; but, if any jurors so drawn and called do not appear and enter the jurors’ box or, in a criminal proceeding, being present, are asked by the State to stand by, the Registrar shall proceed in the manner above-mentioned until nine jurors have entered the jurors’ box. If, from any cause, the full number of nine cannot be made up from the jurors included in the array, the presiding Judge may require as many other jurors

complete the full number, and every juror so required shall be liable to serve as a juror for the trial of the said proceeding, and shall, as soon as his name is called, enter the jurors' box;

- (b) when nine jurors are in the jurors' box, if any challenges are made, whether peremptorily or for cause, as each challenge is made, it shall be heard and determined, and, if the challenge is allowed, the juror challenged shall leave the box and another juror be selected in the manner above-mentioned and, on his entering the box, the next challenge, if any, shall be made and determined and, if it is allowed, the juror challenged shall leave the box, and another juror be selected in his stead, in the manner above-mentioned, and shall enter the box;
- (c) as soon as nine are in the jurors' box, who are not challenged or have not been successfully challenged, they shall be the jurors impanelled for the trial of the proceeding and shall then be counted and sworn;
- (d) in every criminal proceeding, the person charged shall, before any juror is sworn, be informed of his right and be given a reasonable opportunity to challenge, whether peremptorily or for cause, before the Registrar begins to administer the oath to any of the jurors, but no challenge shall be allowed after the Registrar has, with the leave of the presiding Judge, begun to administer the oath to any of the jurors impanelled.

(2) Notwithstanding anything hereinbefore contained, where at any session no objection is made by any party to a proceeding, the proceeding may be tried by the Judge with the same jury which at the same session has previously tried, or been drawn to try, another proceeding or the Judge may order any of the said jury to whom both parties object, or who is, or are, excused by the Judge, or successfully challenged to withdraw, and another juror or other jurors to be drawn instead, and may try the first mentioned proceeding with a jury composed of the residue of the original jury and such additional juror or jurors. The jury, by whom any proceeding is to be tried under this section, shall first be duly sworn for the trial of the proceeding in the same manner as if they had been impanelled under subsection (1).

Swearing jury. **25.** Jurors impanelled for the trial of any proceeding shall be sworn in the same manner, subject to the provisions of section 42, and with the same form of oath, in and with which jurors, impanelled in England for the trial of a similar proceeding, might, at the commencement of this Act, be sworn.

View. **26.** Whenever, at the trial of any proceeding, the presiding Judge is of opinion that it is expedient, in the interests of justice, that the jury impanelled to try the proceeding should have a view of any place or of any real or personal property connected with the proceeding, the Judge may order the view to be made accordingly under such conditions as to costs and, generally, as he thinks fit.

Refreshment to jury. **27.** After a jury has been impanelled and sworn for the trial of a proceeding, they may, in the discretion of the presiding Judge, and subject to such conditions as he may think fit, be allowed, at any time before giving their verdict, reasonable refreshment, to be procured in criminal cases at the expense of the State, and in civil cases at their own expense.

Death, absence or incapacity of juror. **28.** If, during the trial of any proceeding, not being the trial of a capital charge, one of the jury dies or becomes incapable of serving or absents himself, it shall not be necessary to discharge the jury or to add thereunto another juror, but the trial shall be proceeded with by the remaining eight jurors notwithstanding such death, absence or incapacity.

Separation of jury during adjournments. [24 of 1979]. **29.** (1) Whenever at any session the trial of any person charged with any felony or with any misdemeanour is adjourned before the jury begin to consider their verdict, either from one day to another day, or from one hour to another hour of the same day, the Judge may permit the jury to leave the Court and separate until the close of the adjournment, provided the following oath has been previously administered to them in open Court:

“You swear that, during any adjournment of this trial of the issue joined between the State and the prisoner at the bar (*or defendant*), you will not, whilst separated, and until you shall be assembled in Court again, speak with, listen to, or hold any communication, verbal, written or otherwise, with any person whomsoever, other than your fellow jurors impanelled and sworn for the trial of this case, or any other person

relative to the said trial; and that, upon the termination of every adjournment of the said trial, you will again come into this Court. So help you God”:

Provided that, at any stage of the trial of any person charged with murder, treason, or treason felony, the Judge may, in his discretion, order that the jury be kept together during the whole or any part of parts of the trial and, at any time, vary or discharge such order.

(2) When the oath has once been taken by a juror in the course of a trial, it shall not be necessary to administer it to him again during the same trial.

(3) If any juror refuses to take the oath, his refusal shall not prevent the separation or departure of so many of the jurors as shall have taken it, but the juror so refusing shall be kept, during such adjournment, by the proper officers sworn, in the usual manner, neither themselves to speak to, nor hold any communication with, such juror touching any matter relative to the said trial.

30. A verdict of a jury shall not, in any proceeding, be accepted within two hours after the conclusion of the Judge’s summing up, unless it is unanimous; but, after the expiration of two hours from the conclusion of the summing up, any verdict in which seven of them agree may be accepted as the verdict of the whole, unless it is the verdict of guilty or not guilty of a capital charge, which shall not be accepted at any time unless it is unanimous. Verdict.

31. If, in any proceeding, no verdict is delivered by a jury within four hours after the conclusion of the summing up of the presiding Judge, and the Judge is satisfied that there is no prospect of the jury agreeing, he may discharge them. Jury not agreeing may, in certain cases, be discharged.

32. Whenever, from any cause, the trial of any proceeding proves abortive, the presiding Judge may discharge the jury and the proceeding may be tried with a new jury duly impanelled and sworn, either at the same or, if the Judge so orders, at the next session of the High Court, in the same manner as if the former abortive trial had not taken place. New trial in case of abortive trial.

PART VII

EXCUSES OF JURORS

33. No juror, duly summoned to attend at a session, shall be entitled to be excused from attendance thereat on the ground of any exemption. Excusing jurors.

or disqualification or on any other ground save and except illness or unavoidable accident, but the Judge presiding at a session or, before the commencement of the sitting, any Judge or, if no Judge is present in the State, the Registrar may, upon reasonable and sufficient cause being shown upon oath or, where the cause is the state of the juror's health on a certificate purporting to be signed by a duly qualified medical practitioner, exempt a juror summoned to attend thereat from attendance during the whole or any part of the sitting.

PART VIII FINES OF JURORS

Fines.
[5 of 1974].

34. (1) As soon as may be convenient after the opening of a session, the names of the jurors impanelled to serve thereat shall be called, and every juror who, having been duly summoned, does not answer to his name after it has been thrice called may be fined by the presiding Judge a sum of fifty dollars.

(2) Whenever at any session a jury is being impanelled and sworn for the trial of any proceeding –

(a) every juror duly summoned to attend the Court, provided he has not been excused and provided he is not at the time serving on a jury for the trial of another proceeding; and

(b) every juror present in Court and required by the Judge to serve on a jury under the provisions of section 24,

who fails to answer to his name when called, or refuses to enter the jury box, or leaves the jury box without the permission of the Judge, or refuses to be sworn for the trial of the proceeding, may be fined by the presiding Judge a sum of two thousand five hundred dollars.

(3) Every juror sworn to try a proceeding at a session, who leaves the jury box without the permission of the presiding Judge, or who, when the jury are allowed to separate during any adjournment of the Court, fails to return into Court at the termination of the adjournment, may be fined by the presiding Judge a sum of two thousand five hundred dollars.

Registrar to
record fines.

35. Whenever a juror is fined under section 34, the Registrar shall record in his minute book the name of the juror and the amount and

36. (1) Whenever a juror is fined under this Act, who attended at the session at which the fine was imposed, the presiding Judge may, at any time during or within one week after the closing of the Court, upon sufficient cause being shown, reduce or remit the fine.

Reduction or remission of fines.

(2) Whenever a juror is fined under this Act, who did not attend at the session at which the fine was imposed, any Judge may, at any time before the termination of the sitting of the next session in the State, upon sufficient cause being shown, reduce or remit the fine.

(3) Whenever a Judge, under this section, reduces or remits any fine, he shall give due notice of the reduction or remission to the Registrar and the Registrar shall thereupon duly note the remission or reduction, accordingly, in the margin of his minute book, opposite to the entry therein of the imposing of the fine.

37. (1) Where, at any session, any fine has been imposed on a juror under this Act and the fine has not been remitted, the amount of the fine or, if the fine has been reduced, the amount to which the fine has been reduced, shall be paid to the Registrar, before the closing of the next session and, in case of default, the Registrar shall immediately after the closing of the last mentioned session issue a warrant, directed to the Provost Marshal, requiring him to levy, by distress and sale of the goods and chattels of the juror, the amount of the fine or, if the fine has been reduced, the amount to which the fine has been reduced, and every such warrant shall be executed in the same manner as a writ of *feri facias* in the High Court.

Payment and recovery of fines.

(2) Where any such levy is made, the amount of the fine or, if the fine has been reduced, the amount to which the fine has been reduced, shall, together with the reasonable expenses of the levy, be paid out of the proceeds thereof, and the surplus, if any, of the proceeds of the levy shall be returned to the juror.

(3) In case any warrant is issued, as provided in this section, and no goods and chattels of the juror can be found on which to levy, or, in case any levy is made as provided in this section and the proceeds of the levy are insufficient to pay the reasonable expenses of the levy and the amount to recover for which the levy was made, any Judge, on the application of the Registrar, such application being supported by an affidavit or affidavits verifying the facts, may, by warrant of commitment under his hand, directed to the Provost Marshal and the keeper of the prison, order the juror to be imprisoned for any period not exceeding

one month, unless the amount due in respect of the warrant to levy and the execution thereof is sooner paid, and may issue such further process as may be necessary to enforce the said order; but where any application is made under this section for a warrant of commitment, the Judge may adjourn the application and order notice thereof to be served on the juror.

Minister may
authorise by
Order allowances
to jurors.
[25 of 1973
3 of 1977
12 of 1990
26 of 1991
32 of 1995].

38. (1) The Minister may by Order authorise the payment of allowances to jurors who attend the Criminal Assizes in pursuance of summonses under this Act.

(2) Allowances may include compensation for loss of earnings and expenses incurred in going to, attending and returning home from the High Court.

(3) The Jurors' (Allowances) Rules shall continue in force until repealed and replaced by Order made under this section.

PART IX

GENERAL PROVISIONS

Trial of aliens.

39. No alien shall be entitled to be tried by a jury *de medietate linguae*, but every alien shall be triable by a jury impanelled and sworn under this Act, in the same manner as if he were a Commonwealth citizen.

Combination of
offices.

40. Where any person holds the combined offices of Registrar and Magistrate, he may perform the duties imposed on him by this Act in respect of each of the said offices, notwithstanding such combination.

Affirmations in
lieu of oath.
Ch. 5:50.

41. Whenever the taking of an oath is required under this Act, the provisions of the Oaths Act shall apply.

Kissing the Book
in swearing.

42. Whenever a juror is sworn under the provisions of this Act upon his right hand while the oath is being administered to him and, when the oath has been administered to him, shall say "I will" or such other words of assent as shall be directed by the presiding Judge.

FIRST SCHEDULE

(Section 5).
[2 of 1977
35 of 1983
4 of 1988].

Members of the House of Assembly and their spouses.

The Clerk of the House of Assembly.

Persons who during any period within the five years immediately preceding the date of the jury summons were members of the House of Assembly.

Members of the Attorney General's Staff, Members of the Director of Public Prosecutions' Staff, Legal Officers, Magistrates and their Clerks, Secretary to the Cabinet, Chief Establishment Officer, Financial Secretary, Solicitor General, Permanent Secretaries, Senior Assistant Secretaries, Assistant Secretaries, other heads of division of Government Departments, Secretary to the Public and Police Services Commissions and Secretary to the President.

Officers of Courts of Law, and barristers and solicitors in actual practice and their clerks.

Whole-time members of the Fire Brigade.

Police Officers.

Keepers and other officers of prisons.

Matron and other members of the nursing, professional and para-professional staff of hospitals.

Ministers of Religion.

Principals of schools.

Medical Practitioners.

All Diplomatic Agents, Consular Officers and Consular Employees of foreign powers and members of their family, being of foreign nationality.

Representatives and officials of regional and international organisations and

Teachers.

(Section 7).

SECOND SCHEDULE

HIGH COURT - DOMINICA

JURORS' LIST FOR THE YEAR 19 .

Given and Surname at length	Place of abode	Calling	Nature of Qualification	Remarks

NOTICE

The above are the persons whom it is proposed should be inserted in the Jurors' Register for the year 19 . The list will be revised at the sittings of the Magistrate's Court to be holden at.....on the.....day of....., at.....o'clock, and the Magistrate may then make such changes therein as he may think fit, either by adding or striking out names, or otherwise. Any person, whether included or not included in the said list, may then appear personally, or by his counsel or solicitor, and claim that he is, or is not, liable to serve as a juror or, if unable to attend personally, may give the Magistrate notice in writing of his claim, supporting it by such evidence as he may think fit, and the Magistrate will then, as far as he reasonably can, inquire into the claim. The Magistrate's decision in revising the said list will be conclusive, and all persons included in the said list, after it has been revised by the Magistrate, will be liable during the year 19..... to be summoned and serve as jurors notwithstanding any disqualification or exemp-

Dated this.....day of....., 19.....

.....
Registrar.

THIRD SCHEDULE

(Section 9).

I CERTIFY that this list has been revised by me, and that it is, to the best of my knowledge, information and belief, a true and correct list of the persons who are liable to serve as jurors at sessions of the High Court.

Dated this.....day of....., 19....

.....
Magistrate.

FOURTH SCHEDULE

(Section 14).

PRELIMINARY PANEL

FOR THE SESSION OF THE HIGH COURT

TO BE HELD ON THE DAY OF , 19 .

Name of Juror	Whether taken from last Preliminary Panel or direct from Jurors' Register.*	Whether impanelled and if not, why not

* Put P.P. for last Preliminary Panel and J.R. for Jurors' Register

SUBSIDIARY LEGISLATION

JURORS' (ALLOWANCES) RULES*made under section 39*

Commencement.

[1st July 1951]

Short title.

1. These Rules may be cited as the –**JURORS' (ALLOWANCES) RULES.**Payment to
Jurors.
[12 of 1990].**2.** Every juror summoned to appear at a session of the High Court shall be paid a subsistence allowance of ten dollars for each day he attends the session.Transportation
costs.
[12 of 1990].**3.** A juror who travels by public transport to and from a session shall be reimbursed such transportation costs necessarily and reasonably incurred in travelling to and from the session.Travelling
allowances.
[12 of 1990].**4.** Every juror who uses his motor vehicle for the purpose of travelling to or from a session may in the discretion of the Registrar be paid such allowances for the use of his motor vehicle as are ordinarily paid from time to time to public officers under the Travelling and Subsistence Allowances Act and the Regulations made thereunder.

Ch. 23:09.

Decision of
Registrar to be
final.
[12 of 1990].**5.** Whenever any question arises with respect to rules 2, 3 and 4, the decision of the Registrar shall be final.