

## **CHAPTER 228**

### **THE JURY ACT**

Arrangement of Sections

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## JURY

(1st July, 1914.)

6/1914.  
 9/1927.  
 511930.  
 3011937.  
 1111939.  
 S.R.O. 22/1956.  
 211959.  
 1811986.  
 1811989.

## PRELIMINARY

1. This Act may be cited as the Jury Act. Short title.
  
2. In this Act— Interpretation.
  - "alphabetical order" means alphabetical order of surnames;
  - "business" includes the cultivation of land:
 

Provided that, 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 a 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 of the Circuit in which the Registrar referred to in the context serves;

"prescribed particulars" means the place of abode and the title, quality, calling, or business, and the property qualification;

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

"Registrar" includes representative authorized in writing by the Registrar;

(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.

**Books, ballot box and counters.**

**3.** (1) The Registrar shall, at the expense of Antigua and Barbuda, provide himself with a juror's book, a preliminary panel book, a ballot box and a sufficient number of counters for carrying out the provisions of this Act.

(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

**Qualification of Jurors.**

**4.** Every person, between the ages of eighteen and sixty-five years who—

(a) has in his or her own name, or in trust for him or her, any lands or tenements, in Antigua and Barbuda of the value of five thousand dollars or upwards; or

(b) rents any lands or tenements, in Antigua and Barbuda, of the annual value of one thousand dollars, or upwards; or

(c) holds any office or situation, in Antigua and Barbuda, at a salary amounting, with allowances, to

the sum of five thousand dollars per annum, or upwards;  
or

(d) is in receipt of an income, from whatever source derived, of two thousand dollars per annum, or upwards;

shall, unless exempted or disqualified under the provisions of sections 5 and 6 be liable to serve as a juror.

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

**6.** Each of the following persons shall be disqualified from serving as a juror— **Disqualification.**

(a) persons who are not citizens of Antigua and Barbuda who have not been previously permanently resident in Antigua and Barbuda for at least five years;

(b) person 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;

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

(e) persons who are bankrupt or have entered into a deed of arrangement with their creditors.

## PART II

### JURORS' REGISTER

**7.** Between the 1st and 7th days of December of every year, the Registrar— **Jurors' list.**

(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 Antigua and Barbuda, who in his opinion, are liable to serve as jurors, with the full Christian 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; **Second Schedule.**

(b) when the list is complete, 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 as hereinafter provided; which day shall be the day of the first sitting of the Magistrate's Court after the expiration of 14 days from the day of the publication of the list and notice as hereinafter provided.

**Publication of jurors' list.**

**8.** (1) As soon as practicable after the Registrar has completed any such 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 Antigua and Barbuda, 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 Minister may 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 hereinafter provided.

**Revision of jurors' list.**

**9.** (1) When any such list and notice have been made out and published by the Registrar, as aforesaid, then, at the first sitting of the Magistrate's Court which shall be held after the expiration of 14 days from the day of the publication aforesaid—

(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 as aforesaid; and answer such questions as may be put to him by the Magistrate touching the list; and

(b) The Magistrate shall revise the said 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 the opinion of the Magistrate, is not liable to serve as a juror;
- (ii) add to the list the name of any person, who, in the opinion of the Magistrate, is liable to serve as a juror:

Provided that where the name of any person is so added, the full Christian 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 the Magistrate's knowledge, information and belief; and

- (iii) correct any error or omission which shall appear to him to have been made in respect of the prescribed particulars of any person included in the list:

Provided that, before making any alteration in the list, the Magistrate shall hear any objection which the Registrar may make thereto.

(2) 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:

Provided that, in any case where any claim is made under this subsection, the burden of proof shall lie on the person making it.

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

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

**Third Schedule.**

**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 at the end thereof, to be copied into the jurors' book:

**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 jury 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 as a juror, as hereinafter provided.

### PART III

#### AMENDMENT OF JURORS' REGISTER

Amendment of jurors' register.

**11.** (1) 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 Antigua and Barbuda, 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 the opinion that the person is dead, or has permanently ceased to reside in Antigua and Barbuda, or is permanently disabled from serving as a juror by unsoundness of mind, or bodily infirmity; as aforesaid, may cancel the entry in the jurors' 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.

(2) When any entry in a register is cancelled under this section, the Registrar shall thereupon, if the name of the person to whom the entry relates is included in the last preliminary panel, and is not therein marked "Impanelled", cancel the name where it occurs in the panel.

#### PART IV ARRAYS OF JURORS

**12.** (1) Whenever the date approaches for holding a Circuit Court, the Registrar shall, on such a day as will leave sufficient time for the persons impanelled to be duly summoned, as hereinafter provided, impanel in the manner hereinafter prescribed, an array of jurors to serve at the said Court.

**Time of  
impanelling.  
Number to be  
impanelled.**

(2) Subject to the provisions of subsection (4) of section 14, every array of jurors shall consist of thirty-six persons, but any judge may, by an order in writing under his hand, direct a greater number to be impanelled for any Circuit Court 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 subsection (4) of section 14, the Registrar shall not impanel in an array of jurors any juror, who is known, or believed, by him to be temporarily absent from Antigua and Barbuda, and not likely to return in time to be summoned to attend the Circuit Court, 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:

**Certain jurors  
not to be  
impanelled.**

Provided that 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.

(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 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 Antigua and Barbuda, may, from time to time, give to the Registrar a list of jurors employed in the business, and the Registrar, upon receiving the said list, shall, when he next proceeds to impanel a jury, make such enquiries as he may think fit, and act accordingly.

(4) The decision of the Registrar as to whether two or more jurors are, or are not, employed in the same business shall, for the purposes of this section, be final.

Mode of  
impanelling.

Fourth Schedule.

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

(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

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provided, and so on, until as many names as may be required are inserted in the preliminary panel:

Provided that, 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) 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 Antigua and Barbuda, and not likely to return in time to be duly summoned to the Circuit Court, 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-six 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 the Registrar is impanelling an array of jurors to serve at a Circuit Court, the number of jurors, whose names are included in the jurors' register, does not exceed thirty-six, the Registrar shall impanel, as the array to serve at the

Circuit Court 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-six.

**Preliminary panel.**

**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 the provisions of 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.

**Panel of array.**

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

(2) When an array is impanelled under subsection (4) of section 14 the names of the persons impanelled shall be entered in the prescribed manner in a 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 Circuit Court.

**Service of summons.**

**18.** 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—

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- (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 enquiry, 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 such 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.

## PART VI

## TRIALS

Quashing of array.

**19.** Every application, made at a Circuit Court 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.

Impanelling of further jury.

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

Number of jury.

**21.** Every jury impanelled for the trial of any proceeding shall consist of nine persons and no more.

Peremptory challenges and standing by.

**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—

(a) the person charged, or each of the persons charged, may peremptorily and without assigning cause challenge any number of jurors not exceeding three;

(b) the Crown 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.** (1) 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 such 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 such challenge, and the decision of the Judge, as to what is or is not, sufficient cause, shall be final.

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(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.

**24.** (1) A jury for the trial of a proceeding shall be impanelled as follows, that is to say—

**Mode of  
impanelling  
juries.**

(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:

Provided that, 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 Crown 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 present to serve on the jury as may be necessary to 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 persons 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 Circuit Court, no objection shall be made by any party to a proceeding, the proceeding may be tried by the Judge with the same jury which, at the same Circuit Court 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 section (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 47, and with the same form of oath, in and with which jurors, impanelled in England for the trial of a similar proceeding, might be sworn.

View.

**26.** Whenever, at the trial of any proceeding, the presiding Judge is of the 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 such view to be made accordingly, under such conditions as to costs, and generally, as he shall think fit.

**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 Crown, and in civil cases at their own expense. **Refreshment to jury.**

**28.** If, during the trial of any proceeding, not being the trial of a capital charge, one of the jury shall die, or become incapable of serving, or shall absent 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. **Death, absence or incapacity of juror.**

**29.** (1) Whenever, at any Circuit Court, 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 said adjournment, provided the following oath has been previously administered to them in open Court— **Separation of jury during adjournments.**

"You swear that, during any adjournment of this trial of the issue joined between Our Sovereign Lady the Queen and the prisoner at the bar (*or defendant as the case may be*) which you have been sworn to try, 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 the said issue, on any matter whatever 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."

(2) When the said 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 shall refuse to take the said 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.

Verdict.

**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.

Jury not agreeing may, in certain cases, be discharged.

**31.** If, in a 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.

New trial in case of abortive trial.

**32.** Whenever, from any cause, the trial of any proceeding shall prove 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 Circuit Court, in the same manner as if the former abortive trial had not taken place.

## PART VII

### EXCUSE OF JURORS

Excusing jurors.

**33.** No juror, duly summoned to attend a Circuit Court, shall be entitled to be excused from attendance thereat, on the ground of an exemption, or disqualification, or on any other ground, save and except illness or unavoidable accident, but the Judge presiding at the sitting of the Court,

or, before the commencement of the sitting, any Judge, or, if no Judge is present in Antigua and Barbuda, 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.

**34.** Any Judge before whom a case is or may be heard may, on an application made by a woman to be exempted from service on a jury by reason of the nature of the evidence to be given or of the issues to be tried, grant such exemption.

**Exemption of woman in certain cases.**

## PART VIII

### FINES OF JURORS

**35.** (1) As soon as may be convenient after the opening of a Circuit Court, 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 any sum not exceeding five hundred dollars.

**Fines.**

(2) Whenever at any Circuit Court 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 subsection (1) 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 any sum not exceeding one thousand dollars.

(3) Every juror sworn to try a proceeding at a Circuit Court, who shall leave the jury box without the permission of the presiding Judge, or who, when the jury are allowed

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*Jury*

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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 any sum not exceeding one thousand dollars.

Registrar to record fines.

**36.** Whenever a juror is fined under the last preceding section of this Act, the Registrar shall record in his minute book the name of the juror and the amount and cause of the fine.

Reduction or remission of fines.

**37.** (1) Whenever a juror is fined under this Act, who attended at the Circuit Court at which such 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.

(2) Whenever a juror is fined under this Act, who did not attend at the Circuit Court at which the fine was imposed, any Judge may, at any time before the termination of the sitting of the next Circuit Court in Antigua and Barbuda, 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 such reduction or remission, to the Registrar, and the Registrar shall thereupon duly note such remission or reduction, accordingly, in the margin of his minute book, opposite to the entry therein of the imposing of the fine.

Payment and recovery of fines.

**38.** (1) Where 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 session of the Court then in progress, and, in case of default, the Registrar shall immediately after the closing of the said 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 *fiery facias* in the High Court.

(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 in this section provided, and no goods and chattels of the juror can be found on which to levy, or, in case any levy is made as in this section provided, and the proceeds of the levy shall be insufficient to pay the reasonable expenses of the levy and the amount to recover 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:

Provided that, 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.

## PART IX

### PAYMENT OF JURORS

**39.** (1) Every juror who attends at the Court for the trial of a civil proceeding in obedience to a summons served upon him in that behalf, under this Act, shall be entitled to receive the sums in this subsection mentioned that is to say—

**Scale in civil proceedings.**

(a) in the case of jurors duly sworn for the trial of the proceeding, the sum of fifteen dollars for each day or part of a day during which they shall serve as jurors;

(b) in the case of jurors not sworn for the trial of the proceeding, the sum of fifteen dollars only;

(c) in the case of all jurors, the expenses actually incurred in travelling to the Court where the civil proceeding is tried, but not exceeding one dollar per mile for every mile of the journey travelled:

Provided that jurors not sworn for the trial of a proceeding shall be entitled to receive the expenses incurred for travelling in respect of the first day's attendance only.

(2) Every juror who attends at a Circuit Court for the trial of criminal proceedings in obedience to a summons served upon him in that behalf under this Act, and who is duly sworn for the trial of a civil proceeding, shall be entitled to receive—

(a) the sum of fifteen dollars for each day or part of a day during which he serves as a juror in the civil proceeding.

(b) the expenses actually incurred in travelling to the Court where the civil proceeding is tried, but not exceeding one dollar per mile:

Provided that no juror shall receive an allowance under this enactment who shall be entitled to receive the allowance provided by subsection (1) of section 43.

(3) Every juror who by reason of his service as a juror in the trial of a civil proceeding is necessarily absent from his home at night shall be entitled to receive in addition to the sums hereinbefore in this section mentioned, the sum of ten dollars for each night while so absent.

Deposit in  
advance of jury  
money.

**40.** (1) No jury shall be impanelled for the trial of any civil proceeding, unless the party applying for the impanelling has first deposited with the Registrar, such sum as the Registrar may think fit, for the payment of the jury, in accordance with the provisions of section 39.

(2) Where the decision of the Registrar as to the amount of any deposit payable under this section is questioned by the party by whom it is to be paid, then, if or whenever a judge is present in Antigua and Barbuda, the Judge shall hear the Registrar and the party, and decide what shall be the amount of the deposit.

**41.** (1) Where any deposit is made, in any civil proceeding, under the provisions of section 40, the Registrar shall, at the close of each day during which the jury serve on the trial of the proceeding, pay, out of the deposit, to each of the jurors impanelled, the sum to which he is entitled under the provisions of section 39, and, if, after the jury have been discharged the deposit is not yet exhausted, shall pay the surplus to the party by whom the deposit was made, but, if and whenever, at the close of any day, the money deposited for the payment of the jurors is exhausted, he shall at once report the fact to the presiding Judge, who shall forthwith discharge the jury, unless the party, at whose instance the jury was impanelled, or any other party to the proceeding, shall forthwith deposit with the Registrar such further sum as the Judge shall think fit for the payment of the jury as aforesaid.

**Payment of jurors during trial.**

(2) Whenever a jury is discharged under the provisions of this section, the trial shall proceed before the Judge alone in the same manner as if the jury had not been impanelled.

**42.** Whenever any civil proceeding is tried by a jury, and the costs of the trial are awarded to the party to the proceeding at whose instance the jury was impanelled, such costs shall, unless the presiding Judge otherwise order, include the moneys which have been paid to the jury under the provisions of section 41.

**Costs consequent on trial by jury.**

**43.** (1) The Minister may make rules authorizing the payment, of such allowances, on such scales and in such cases, as he may think fit, to jurors attending at the Circuit Courts, in pursuance of summonses under this Act, or impanelled under the provisions of this Act:

**Rules for payment of jurors out of public funds.**

Provided that no juror shall receive any allowance, under the said rules, in respect of any day on which he has served on a jury impanelled and sworn for the trial of a civil proceeding.

(2) The said allowances may include compensation for loss of time, and expenses paid, or incurred, in going to, attending at, and returning from, Circuit Courts.

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(3) All allowances payable under any such rules, shall be paid, on the warrant of the Minister, out of the Consolidated Fund.

PART X  
GENERAL PROVISIONS

**Trial of aliens.**

**44.** 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 citizen of Antigua and Barbuda.

**Combination of offices.**

**45.** 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.  
Cap. 297.**

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

**Kissing the Book in swearing.**

**47.** Whenever a juror is sworn, under the provisions of this Act, upon a Book, he shall not be required to kiss the Book, but shall hold it in 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.

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## FIRST SCHEDULE

S. 5

Members of Parliament and their spouses.

The Clerk to Parliament.

Members of the Staff of the Ministry responsible for Legal Affairs including the staff of the Attorney-General's Office and the Registrar's Office, Members of the Director of Public Prosecutions' Staff, Legal Officers in the Judicial and Legal Service, Magistrates and their Clerks.

Secretary to the Cabinet, Chief Establishment Officer, Financial Secretary, Solicitor General, Permanent Secretaries, Senior Assistant Secretaries, other heads of division of government departments and any person holding a public office that is set out in the First Schedule to the Civil Service Act.

Secretary to the Public and Police Services Commissions and Secretary to the Governor-General.

Officers of the Courts of Law, and Barristers and Solicitors in actual practice and their Clerks.

Full time members of the Fire Brigade.

Police Officers.

Members of the regular force of the Antigua and Barbuda Defence Forces.

Security guards at the V.C. Bird International Airport, Barbuda Airport and the St. John's Deepwater Harbour.

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 and full time school teachers.

Medical Practitioners.

Chemist and druggists, registered under the Medical Act.

Bank Managers.

Persons engaged in Telegraphic Services.

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 agencies.

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