
CHAPTER 59**JURIES**

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FIRST SCHEDULE — Persons Exempt from Jury Service

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CHAPTER 59
JURIES

An Act to consolidate with amendments certain written laws relating to juries and for connected purposes.

*7 cf 1998
22 cf 2006
45 cf 2007*

*[Assent 19th May, 1998]
[Commencement 1st June, 1998]*

1. This Act may be cited as the Juries Act. Short title.
2. In this Act — Interpretation.
 - “court” means the Supreme Court;
 - “jury service” in relation to any person means service as a juror in any civil or criminal proceedings triable by jury at any sitting of the court;
 - “Registrar” means the Registrar of the court or his deputy;
 - “revising panel” means the panel constituted by section 6;
 - “sittings district” has the meaning assigned to it by section 5;
 - “sitting” means a sitting of the court.
3. Every person aged twenty-one years and over and resident in a sittings district shall be qualified for jury service. Qualifications for jury service.
4. Notwithstanding anything contained in section 3 — Exemptions and disqualifications from jury service. First Schedule.
 - (a) the persons specified in the First Schedule are exempt from jury service to the extent set out in that Schedule; and
 - (b) the persons specified in the Second Schedule shall be disqualified from jury service. Second Schedule

Sittings districts.

5. (1) The Island of New Providence and the Island of Grand Bahama shall be sittings districts for the holding of sittings of the court.

(2) The Chief Justice may by notice published in the *Gazette* declare any other Family Island or part thereof to be a sittings district for the holding of sittings of the court.

(3) No juror shall be required to perform jury service otherwise than at a sitting of the court held within the sittings district in which he is for the time being resident and for which his name is entered in the jurors book as hereinafter provided.

Revising panel.

6. There shall be a revising panel, consisting of the Registrar, who shall be Chairman, the Parliamentary Commissioner and the Provost Marshal or his deputy.

Jury lists.

7. (1) It shall be the duty of the revising panel, on or before the fifteenth day of December in each year, to prepare a list in alphabetical order of all persons qualified and liable for jury service in the New Providence and Grand Bahama sittings districts who, in their opinion, are persons of reputed honesty, integrity and intelligence fit and proper to serve as jurors in the court.

(2) Where under subsection (2) of section 5 the Chief Justice declares a Family Island or part thereof to be a sittings district, it shall be the duty of the Administrator of such Family Island sittings district to prepare and transmit to the revising panel before the first day of December in each year a list of all persons qualified and liable for jury service in that sittings district, and the revising panel shall thereupon prepare a further list in alphabetical order of all persons named therein who, in their opinion, are persons of reputed honesty, integrity and intelligence, fit and proper to serve as jurors in the court.

(3) A copy of that part of each jury list prepared by the revising panel for use during the ensuing year shall be published in the *Gazette*, and a further copy thereof shall be affixed to a public notice board at the Supreme Court building in Nassau and in Freeport or in the case of any Family Island sittings district at the office of the Administrator; there shall be subjoined to each such copy a notice that objections to the list will be heard on a date to be specified therein not less than seven days after the publication thereof.

8. Upon the appointed day the revising panel shall sit to revise the jury lists, and, upon the evidence on oath of any person objecting or other proof, or upon their own knowledge, may insert or strike out the name of any person improperly, accidentally, unintentionally or inadvertently omitted from or inserted therein and may correct any other errors or omissions appearing to have been made in the preparation of such lists:

Revision of jury lists.

Provided that for the purpose of revising any jury list relating to a Family Island sittings district the Chairman of the revising panel may in writing authorise the Deputy Registrar of the court, the Administrator of that district, or any stipendiary and circuit magistrate, to sit in lieu of the revising panel and, in any such case the Deputy Registrar, the Administrator or magistrate, as the case may be, shall sit accordingly and shall forward his recommendations in writing to the revising panel who shall consider the same, and upon consideration thereof, may amend or otherwise correct the list in accordance with such recommendations.

9. (1) At the conclusion of each revision the revising panel shall sign the revised jury lists and the Registrar shall record the same in a book to be called the jurors book and the same shall thereupon be approved by the Chief Justice for use in the court with effect from such date or dates as he may think fit.

Jurors book.

(2) The revised jury lists shall be published in the *Gazette* and shall commence to be used from the dates approved by the Chief Justice, which shall be notified in the *Gazette*, and shall continue to be used until the use of a fresh jury list shall be approved in respect of any particular sittings district.

10. (1) Jurors shall be summoned to serve for a period of three months commencing on the Monday following the second Wednesday in January and the first Monday in the third succeeding months thereafter namely, the months of April, July and October:

Drawing jurors.

Provided that where, at the end of the period of three months, a juror is serving in a case which has not been completed, he shall continue serving for the duration of such case.

(2) The Registrar shall select panels of jurors on 1st December and thereafter on the first day of the third month immediately following thereafter namely, 1st March, 1st June and 1st September.

(3) Before the commencement of any sitting at which a jury may be required, the Registrar shall select forty-eight persons from those whose names are marked in the jurors book as resident in the sittings district where the sitting is to be held, by taking one name from each letter of the alphabet in succession and so proceed from time to time commencing each time where he has left off, until every such person has been selected in his turn:

Provided that the Chief Justice may, whenever he thinks fit, direct that the court shall sit in two or more divisions for the trial of cases at a particular sitting and in any such case the Registrar shall select the names of forty-eight persons as aforesaid for service in each of the divisions.

(4) In selecting names from a new jurors book in every sitting the Registrar shall commence with the name in the list next following in alphabetical order the names of the persons who were last selected in the preceding sitting from the former jurors book or as near thereto as circumstances may permit.

Proof of
summons

11. (1) The names of all persons selected to form a jury panel at any sitting shall be entered on a list and numbered in numerical order from one to forty-eight.

(2) Where the Chief Justice directs that the court shall sit in two or more divisions for the trial or causes, the names of the forty-eight persons selected for service in each of the divisions of the court shall be entered on a separate list for each court numbered in numerical order from one to forty-eight.

(3) Every list shall be signed by the Registrar.

Service of
summons

12. (1) Every summons to be served on a juror shall be served by the proper officer of the court at least three days before the sitting of the court in which the juror is required to serve, and service shall be effected by delivering the summons to the person named therein or by leaving it for him at his last or most usual place of abode.

(2) The proper officer shall make a true return of service of each summons and shall attend at the sittings and, if necessary, verify service upon oath.

13. If a judge is satisfied that there is any reason for excusing a juror from jury service the judge may make an order excusing such juror from serving for such period as he may think fit.

Excuse of jurors.

14. (1) The Registrar shall cause to be provided for use at the sitting forty-eight marble, metal or wooden balls numbered consecutively one to forty-eight, the number on each ball being clearly and indelibly printed or otherwise marked thereon:

Process of calling jury in court.

Provided that where the Chief Justice directs that the court shall sit in two or more divisions the Registrar shall cause to be provided for use in each division of the court forty-eight such balls numbered as aforesaid.

(2) The balls shall at each sitting be put into a box or other receptacle and upon trial of any case the Registrar shall in open court draw or cause to be drawn therefrom one of the balls, and read out the number thereon and the name of the juror on the list set opposite to the corresponding number on the list until such number of jurors appear as are required who after all just causes of challenge allowed shall remain as fair and indifferent, and the same shall be done whenever it is necessary to form a new jury.

15. (1) The balls which have thereon the numbers corresponding with the numbers on the jury list of the names of the jurors on any jury shall be kept apart until the jury is discharged, and shall then be returned into the box or other receptacle.

Balls with numbers of jurors sworn to be kept apart.

(2) If any case is brought on for trial before the jury in any previous case has brought its verdict, the court may order another jury to be sworn in the same manner from the rest of the jurors on the list.

16. If no objection is made by or on behalf of any of the parties to a cause, any issue arising therein may be tried with the same jury which has already tried any other such issue or which has tried or been drawn to try any other case.

Same jury may try other matters.

Talesmen.

17. Whenever the requisite number of jurors have not been summoned, or do not appear, or do not remain as fair and indifferent after all just causes of challenge allowed, then the court may name and appoint so many other able and qualified persons then present at the said court or to be found elsewhere resident within the sittings district in which the court is sitting, as shall be necessary to make up a full jury, and they shall, subject to all such just reasons of excuse as the judge may think fit, serve under pain of the same penalty as persons summoned as jurors refusing to serve.

Number of jurors and alternate jurors.
22 *cf* 2006, s 2
45 *cf* 2007, s 2

18. (1) In every trial for murder or treason, the jury shall consist of twelve persons, and subject to the provisions of subsection (3) of section 28, in every other trial the jury shall consist of nine persons.

(2) Notwithstanding subsection (1), in every trial for murder or treason, the court shall direct that three additional jurors be called and empanelled to sit and serve as alternate jurors.

(3) An alternate juror, in the order in which he is drawn, shall replace any juror who prior to the time the jury renders its verdict, becomes or is found to be unable or disqualified to perform his duties.

(4) Alternate jurors shall be subject to two peremptory challenges by each the prosecution and the accused in the same manner, have the same qualifications, take the same oath and have the same functions, powers, facilities and privileges as the original twelve jurors.

(5) Where a jury retires to consider its verdict and an alternate juror replaces a juror, the jury shall begin to consider its verdict afresh.

Peremptory challenges.
45 *cf* 2007, s 3

19. On the trial of an offence by the court the prosecutor and the accused may each challenge peremptorily and without cause any number of jurors not exceeding —

- (a) ten, in a trial for murder or treason;
- (b) seven, in every other trial,

but any other challenges on either side shall be for cause.

Challenges for cause.

20. The prosecutor and every accused person and every plaintiff and defendant shall be entitled to any number of challenges on any of the following grounds that is to say —

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- (a) that any juror's name does not appear on the jury list:
Provided that no misnomer or misdescription in the jury list shall be a ground of challenge if it appears to the judge that the description given in the jury list sufficiently designates the person referred to;
 - (b) that any juror is not indifferent between the Queen or other prosecutor and the accused or between the parties;
 - (c) that any juror has been convicted of any offence for which he was sentenced to death or to any term of imprisonment with hard labour exceeding one year;
 - (d) that any juror is disqualified as an alien under the law in force for the time being;
 - (e) that any juror cannot speak, read or write English;
 - (f) that any juror was returned to serve as a juryman contrary to the provisions for the time being in force for the returning of jurors in rotation;
 - (g) that any juror is not, for any other reason appearing sufficient to the judge, a fit and proper person to serve as a juror in the proceedings,

and no other ground of challenge than those above mentioned shall be allowed.

21. An opportunity to challenge each of the members of the jury separately shall be given by the court to the prosecutor and the accused, or to each party as the case may be, and such challenges whether peremptory or for cause may be made at any time before, but not after the Registrar has begun to recite the words of the oath to any of the jurors.

Method of challenge.

22. (1) Every challenge shall be tried by the judge, and there shall be no appeal from his decision.

Trial of challenge.

(2) The disqualification or want of qualification of any juror may be inquired into on his being empanelled and challenged, but not afterwards; and no verdict shall be impeached by reason of the disqualification or want of qualification of any juror who may have concurred in it.

23. (1) As soon as the jury are chosen, they shall be counted in the box by the Registrar, who shall then at once proceed to swear them; but if any juror refuses, or is

Counting and swearing of jurors.

unwilling from alleged conscientious motives to be sworn, the judge may, upon being satisfied of the sincerity of the objection, allow him to make a solemn declaration.

(2) The declaration shall be of the same force and effect as if the person had taken an oath in the usual form, and shall, if untrue, entail the same penalties as are provided against persons guilty of perjury.

(3) Whenever in any legal or other proceedings it is necessary or usual to state that jurors have been sworn, it shall not be necessary to specify that any particular juror has made declaration instead of oath, but it shall be sufficient to state generally that the jurors have been sworn.

(4) After they have been sworn, the jurors shall by a majority of voices elect one of their number to be their foreman.

Jury to be unanimous except in certain cases.

24. (1) In every case in the criminal jurisdiction of the court in which the prisoner is arraigned for and found guilty of an offence to which the penalty of death is affixed by law the verdict of guilty shall be the verdict of all the jurors.

45 *cf* 2007, s 4

(2) In every other case in the criminal jurisdiction of the court and in all civil cases, the verdict may be found, given and returned by six jurors empanelled and any verdict so found, given and returned shall have the same force, validity and effect as if the same was found, given and returned by the unanimous voice of such jury.

Discharge of jury owing to disagreement.

25. If, after the expiration of a reasonable time from the conclusion of the summing up, the jury are not agreed and state that they are not likely to agree, the court may, but shall not be bound to, discharge them.

Communication with jury while in retirement considering verdict.

26. (1) If the jury retire to consider their verdict no person other than the officer of the court who has charge of them, shall be permitted to speak or to communicate in any way with any of the jury without the leave of the judge.

(2) Disobedience to the directions of this section shall not affect the validity of the proceedings:

Provided that if the disobedience is discovered before the verdict of the jury is returned, the judge may, if he is of opinion that it has produced substantial mischief, discharge the jury and direct a new jury to be sworn or empanelled

during the sitting or may postpone the trial on such terms as justice may require.

27. (1) In every case in the criminal jurisdiction of the court and in every civil case triable by jury, the judge may, if he thinks fit, permit jurors sworn and empanelled upon the trial thereof to separate and depart from the court during any adjournment of such trial before they have retired to consider their verdict upon each such juror taking the oath prescribed by subsection (3) of section 13 of the Oaths Act.

When jurors permitted to separate.

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(2) The following provisions shall apply whenever the jury have not been permitted to separate —

- (a) a proper provision shall be made for preventing the jury from holding communication with any person;
- (b) the judge may allow one or more of the jurors to separate from the other jurors;
- (c) jurors who are allowed to separate from the other jurors shall not hold communication with other persons except with the leave of the court;
- (d) jurors who are allowed to separate shall remain in the charge of the officer of the court who has charge of them.

28. (1) The judge may, in his discretion, in case of any emergency or casualty rendering it, in his opinion, expedient for the ends of justice so to do, discharge the jury without their giving a verdict, and direct a new jury to be empanelled during the sitting or may postpone the trial on such terms as justice may require.

Discharge of jury in certain circumstances.

(2) If the judge becomes incapable of trying the case or directing the jury to be discharged, the Registrar shall discharge the jury.

(3) Without prejudice to the power of the judge to discharge the jury under the provisions of subsection (1), whenever a juror dies or fails to appear at any adjournment of the trial or becomes too ill to continue to serve then in any such case the judge may in his discretion proceed with the trial with the remaining eight jurors, and take their verdict which shall then have the same effect as the verdict of the whole number.

45 *cf* 2007, s 5

29. (1) Every juror who is sworn in any case shall be entitled to a fee of fifteen dollars for each day or part of a

Jurors' fees.

day during which he attends at the court during the trial of the case for which he is so sworn.

(2) Every juror who attends court during the trial of criminal cases shall be entitled to a fee of fifteen dollars for each day on which he is required so to attend but is not sworn to try any such case.

(3) In every civil case listed for trial with a jury the amount of sixty dollars on account of jurors' fees shall be paid to the Registrar by the plaintiff before the jury is sworn and if it is not so paid the court shall, unless it sees fit to allow an adjournment, dismiss the case or enter judgment for the defendant.

(4) All jurors' fees in civil cases shall be recoverable as a fee of court from the plaintiff but may be allowed as costs in the cause against any other party to the proceedings.

Accommodation,
maintenance and
refreshment of
jurors.

30. (1) In any case where the members of the jury empanelled are required by the court not to separate before returning their verdict, they shall be entitled to be reasonably accommodated and maintained at the public expense under arrangements to be made by or on behalf of the Registrar.

(2) Reasonable refreshment at the public expense shall be provided for members of a jury empanelled in any case when they have retired to consider their verdict.

View.

31. Where in any case it is made to appear to the judge that it will be in the interests of justice that the jury who are to try or are trying the issue in the case, should have a view of any place, thing or person connected with the issue, he may direct a view to be had, in such manner and upon such conditions as he may think proper.

Fines for non-
attendance or
refusal to serve.

32. (1) If any person, having been duly summoned to attend as a juror, does not attend in obedience to the summons at the first sitting of the court and at every adjournment thereof upon being openly called in court, or if he departs from the court during its sitting without leave of the judge and without reasonable excuse the court may impose on him a fine of not more than five hundred dollars.

(2) If any person, having been duly summoned to serve as a juror, refuses to serve when required by the court so to do, or if, after having been duly sworn he without leave departs the court before the verdict is given or before

he is regularly discharged, the court may impose on him a fine of not more than five hundred dollars.

(3) The judge may, during the same sitting, remit or reduce any such fine upon sufficient cause shown to him in open court, and he may within five days after the close of the sitting, remit or reduce the fine upon sufficient cause shown by affidavit.

(4) All fines imposed under the provisions of this section shall be recoverable by distress and sale of the goods of the person fined by warrant of the court signed by the Registrar together with the costs of recovery thereof; and if sufficient goods of the defaulter are not found to satisfy the fine and costs he may be committed to prison by warrant under the hand of the judge for such period not exceeding three months as the judge considers fit.

32A. (1) Any employee who is not sworn to serve as a juror remains liable to return to his place of employment until his further attendance is required.

Employer and
employees
22 cf 2006, s 3

(2) Without prejudice to subsection (1), an employer shall not adversely affect the remuneration of an employee by reason only that he has been summoned pursuant to section 10.

(3) An employer shall not dismiss or threaten to dismiss an employee referred to in subsection (2).

(4) Any employer who contravenes subsection (3) shall be liable to a fine not exceeding two thousand dollars.

33. The judge may at any time discharge any person summoned as a juror from further attendance on the court, or excuse him from attendance at any sitting or for any period during a sitting.

Release of juror
from attendance

34. The Rules Committee appointed under section 75 of the Supreme Court Act may make rules of court generally for the better carrying out of any of the purposes or provisions of this Act.

Rules
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35. Nothing in this Act contained shall extend or be construed to extend to alter, abridge or affect any power or authority which the court or judge now has, or any practice or form in regard to trials by jury, jury process, juries or jurors, except in those cases only where any such power or authority, practice or form is repealed or altered by this Act, or is or shall be inconsistent with any of the provisions thereof.

Savings

FIRST SCHEDULE (Section 4(a))**PERSONS EXEMPT FROM JURY SERVICE**

1. The Governor-General and his personal staff.
2. Judges of the Court of Appeal and of the Supreme Court.
3. Ministers of Government.
4. Members of the Senate and the House of Assembly.
5. Counsel and Attorneys in actual practice and their clerks.
6. Registered medical practitioners.
7. Persons officiating as priests or ministers of their respective religions.
8. Members of The Royal Bahamas Police Force, Police Volunteer Reservists and Supernumerary Police Officers.
9. The following members of the Public Service —
 - (a) Magistrates;
 - (b) persons who are employed in the Office of the Attorney-General and the Law Reform and Revision Commission;
 - (c) persons who are employed in the Immigration and Customs Departments;
 - (d) members of The Royal Bahamas Defence Force;
 - (e) persons who are employed in the Judicial Department;
 - (f) members of the Prison Service;
 - (g) nurses, pupil nurses and midwives; and
 - (h) persons who are employed in the Industrial Tribunal.
10. Persons under permanent physical or mental incapacity.
11. The clerks and messengers of the Senate and of the House of Assembly during such time as the Legislature is in Session.
12. Members of the Industrial Tribunal.

SECOND SCHEDULE (Section 4(b))**PERSONS DISQUALIFIED FROM JURY SERVICE**

1. Any person who is not a citizen of The Bahamas.
2. Any person who has been convicted of treason, murder, or any indictable offence, unless he has obtained a free pardon.
3. Any person certified as being of unsound mind.
4. Any person who cannot read and write legibly in the English language.
5. Any person who is suffering from any infectious or contagious disease.