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JURIES (AMENDMENT) ACT, 2014

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No. 44 of 2014

JURIES (AMENDMENT) ACT, 2014

AN ACT TO AMEND THE JURIES ACT.

[Date of Assent - 5th November, 2014]

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act which amends the Juries Act (*Ch.59*) may be cited as the Juries (Amendment) Act, 2014.
- (2) This Act shall come into force on such date as the Minister may appoint by Notice in the *Gazette*.

2. Repeal and replacement of section 3 of the principal Act.

Section 3 of the principal Act is repealed and replaced by —

“3. Qualifications for jury service.

Every person who —

- (a) has attained the age of twenty-one years and is under the age of seventy years; and
- (b) is registered as a voter in the parliamentary register in accordance with the provisions of the Parliamentary Elections Act (*Ch 7*) shall, unless —
 - (i) exempt or disqualified under section 4,
 - (ii) excused under section 13,be qualified for and liable to serve as a juror.”

2A. Amendment of section 5 of the principal Act.

Section 5 of the principal Act is amended by the deletion of subsection (3) and by the substitution therefor of the following—

“(3) Nothing in this Act shall prohibit a person from serving as a juror in a sitting district by reason only that he does not reside in that district.”.

3. Amendment of section 7 of the principal Act.

Section 7 of the principal Act is amended by the insertion, immediately after subsection (3) the following as new subsections (4) and (5) —

- “(4) For the purpose of determining the persons liable for jury service, the Parliamentary Commissioner shall, on such date in each year as the Chief Justice shall direct, prepare and forward to the Registrar, printed copies of a list containing the names in alphabetical order of persons whose names appear on the official list of electors for elections to the House of Assembly.
- (5) The irregular omission or inclusion of any name on the voters list shall not affect the validity of the selection of persons liable for jury service under the provisions of this section.”.

4. Repeal and replacement of section 8 of the principal Act.

Section 8 of the principal Act is repealed and replaced by new sections 8 and 8A

“8. Revision of jury lists.

- (1) 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.
- (2) The Chairman of the revising panel for the purpose of revising any jury list relating to a Family Island sittings district, 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.
- (3) The Registrar shall send copies of the jury list to the Director of the National Insurance Board who shall cause to be added

thereto the respective place of employment in respect of each person.

- (4) The Registrar shall cause to be deleted from the jury list —
 - (a) the name of any person who is known to the Registrar to be disqualified or exempt from jury service under section 4;
 - (b) the names of any persons who have died, as the Registrar shall obtain from the Registrar-General.
- (5) Upon completion of the revision of the jury list in accordance with the provisions of this section, the Registrar shall sign two copies of the list (hereinafter to be referred to as the "Approved List").
- (6) The Registrar shall cause —
 - (a) a copy of the Approved List together with the date of the sitting of the court, to be —
 - (i) published in the Official Gazette;
 - (ii) published, in at least two daily issues of a newspaper in circulation in The Bahamas;
 - (iii) posted on the Government's official website;
 - (iv) posted in a conspicuous place in all of the Magistrates and Supreme Court buildings;
 - (v) made available at every Post Office building; and
 - (vi) forwarded to the Office of the Administrator in every local government district on every Family Island;
 - (b) notice to be given by broadcast on at least two radio and two television stations stating the places and times during which the Approved List is available for inspection.
- (7) The Approved List to be published shall contain —
 - (a) the full name of each person;
 - (b) the date of birth of each person; and
 - (c) his address as it appears in the register of voters, and shall —
 - (i) state that every person whose name is included therein shall be liable to serve as a juror; and
 - (ii) invite any person who is aggrieved by the inclusion of his name in the list and who claims to be exempt from, or disqualified for, jury

service to apply to the Registrar in the manner provided and within the time period specified therein.

- (8) The Approved List 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.

“8A. Application to have name removed from Approved List.

- (1) If any person claims that, owing to some disqualification or exemption, his name should not be included in the Approved List he may, within the period specified in the notice published under the provisions of section 8, apply in writing to the Registrar to have his name struck off the Approved List.
- (2) The Registrar shall as soon as may be take each such application into consideration and, within seven days after receiving the application —
 - (a) where he is satisfied that the applicant is disqualified or exempt from liability for jury service, shall strike off the applicants name accordingly; and
 - (b) in every case shall inform the applicant of his decision in the matter.
- (3) If the Registrar refuses to comply with an application made under subsection (1) the applicant may, within seven days next after the date on which the refusal of the Registrar is notified to him, apply, by notice in writing to the Registrar, to a judge in chambers for a declaration that his name ought not to be included in the approved list and pending the making of an order by the judge under subsection (4), the name of the applicant shall be deemed not to be included in the Approved List.
- (4) A judge in chambers shall deal with any such application in a summary way and make such order in the matter as appears just, and the Registrar shall govern himself accordingly.”.

5. Repeal and replacement of section 10 of the principal Act.

Section 10 of the principal Act is repealed and replaced —

“10. Drawing jurors.

- (1) A juror shall serve for a period of two 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 March, May, July, September and November.

- (2) Where, at the end of the period of two months, a juror is serving in a case which has not been completed, he shall continue serving for the duration of such case.
- (3) The Registrar shall select in the manner hereinafter provided such number of persons as appear to the Registrar to be necessary for the business of the court, for any session on 1st December and thereafter on the first day of the third month immediately following thereafter namely, 1st March, 1st June and 1st September.
- (4) Before the commencement of any sitting at which a jury may be required, the Registrar shall select at random the names of forty-eight persons from among all the names on that day contained in the Approved List.
- (5) 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.
- (6) 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.
- (7) 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 save that nothing in this section prohibits persons named in a list for one division from being required when necessary to serve as jurors in another division.
- (8) Every list shall be signed by the Registrar.”.

6. Repeal and replacement of section 12 of the principal Act.

Section 12 of the principal Act is repealed and replaced —

“12. Service of Summons.

- (1) Every juror in New Providence or Grand Bahama shall be served a summons at least seven days before the sitting of the court in which the juror is required to serve, and service may be effected —

- (a) personally, by delivering the summons to the person named therein or by leaving it for him at his last or most usual place of abode or at his place of employment;
- (b) by leaving the summons, in case of the juror's absence from the juror's usual residence or place of business, with a person who resides at the juror's usual residence or is employed at the juror's place of business and obtaining the signature of that person;
- (c) by notice, by publication of the Approved List in two issues of nationally circulated newspapers published on any Monday and Thursday of any given week;
- (d) by notice, by publication of the Approved List on community announcements on at least two national television stations on any Monday and Thursday of a given week;
- (e) by facsimile, to his place of employment, provided that a transmission receipt is attached;
- (f) by email, to his email address, in the case of a party who has designated an information system for the purpose of receiving electronic communications of which sending a contemporaneous note is made by the Registrar or his delegate ;
- (g) by notice, by telephone at his last or most usual place of abode, or at his place of employment, provided that a contemporaneous note of the telephone call is recorded by the Registrar of the Supreme Court or his delegate;

and service of any of the methods specified above, shall be deemed service for the purposes of the section.

- (2) In the event that service is done under subsection (1)(a), 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.
- (3) In the case of jurors who are ordinarily resident on an island other than New Providence or Grand Bahama, the proper officer of the court, at least fourteen days before the sitting of the court in which the jurors are required to serve shall deliver to the Administrator of the district of which such jurors are ordinarily resident, the summons to be served in respect of each juror ordinarily resident in his district, and the Administrator shall inform such jurors of the delivery of the

summons, and shall make a record of the manner and form by which jurors have been informed of the summons, which shall be communicated in writing to the proper officer of the court prior to the sitting of the court.

- (4) Where a judge is satisfied that the Approved List has been published in accordance with section 8, he may dispense with the requirement for service of the summons under this section.
- (5) It shall be the duty of —
 - (a) every registered voter, to ascertain whether their respective name appears on the Approved List published from time to time;
 - (b) every employer, to bring to the attention of any employee the service of any summons as provided for in section 12.”.

7. Repeal and replacement of section 13 of the principal Act.

Section 13 of the principal Act is repealed and replaced —

“13. Court may excuse a juror.

If any person who has been duly summoned for jury service, or who has attended for jury service, or who has been informed that he has been selected and returned for jury service, shows to the Court, that there is good reason why he should be excused from attending to perform all or any part of such jury service, the judge if satisfied that there is good reason for excusing the juror from jury service, may make an order excusing such juror from serving for such period as he may think fit.”.

8. Repeal and replacement of section 14 of the principal Act.

Section 14 of the principal Act is repealed and replaced —

“14. Selection of Jury.

- (1) The Registrar shall cause the name of each juror who has been summoned (excluding any juror who has been excused from attendance) to be written on a separate card, which shall be placed in a box or other receptacle.
- (2) Where the Chief Justice directs that the court shall sit in two or more divisions the Registrar shall cause to be provided forty-eight further jurors for use in each division of the court.
- (3) Upon trial of any case, the Registrar shall in open court —
 - (a) draw or cause to be drawn therefrom the required number of cards one after the other;

- (b) call out the name of each card as it is drawn; and
 - (c) where any of those names are so drawn and called do not appear or are challenged and set aside, draw out further names in like manner until the required number shall appear,
save the name of any person who sat in a previous trial of the matter being dealt with.
- (4) Where it is necessary, potential jurors whose names are subject to be called may be assembled in an area within the precincts of the court other than the courtroom and from where they can hear by way of a mechanical audio system their names when called.
 - (5) The same process shall be done whenever it is necessary to form a new jury.
 - (6) The names of all persons drawn shall be placed together, and kept apart from the rest of the names of the jurors until the jury is discharged and once the jury is discharged, the names of all persons shall be returned into the box or other receptacle.
 - (7) 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.”.

9. Amendment of section 19 of the principal Act.

Section 19 of the principal Act is amended —

- (a) in subsection (a) by the deletion of the words “ten” and the substitution therefor of the word “four”; and
- (b) in subsection (b) by the deletion of the word “seven” and the substitution therefor of the word “two”.”.

10. Insertion of new section 30A into the principal Act.

The principal Act is amended by the insertion, immediately after section 30 of the following as a new section 30A —

“30A. Provision for travel, etc. for Family Island Jurors.

In the case of jurors who are ordinarily resident on an island other than New Providence or Grand Bahama, such jurors shall be entitled —

- (a) to the cost of travel from their ordinary place of residence to New Providence or Grand Bahama for the purpose of attending the sittings of the court; and

- (b) to be reasonably accommodated and maintained at the public expense under arrangements to be made by or on behalf of the Registrar.”.

11. Amendment of the First Schedule to the principal Act.

The First Schedule to the principal Act is amended by the insertion of the following —

- (a) in item (2) after “the Supreme Court” of the words “and their spouses.”;
- (b) in item (9)(a) after “Magistrates” of the words “and their spouses.”;
- (c) in item (12) after “Industrial Tribunal” of the words “and their spouses.”.

12. Amendment of Second Schedule to the principal Act.

The Second Schedule to the principal Act is amended by the following —

- (a) In item (4) by the deletion of the words “legibly in the English language.” and the substitution therefor of the words “the English language.”;
- (b) the insertion in the appropriate position of the new item —
“6. Any person who is blind or deaf.”.