

THE JURY ACT
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JURY

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SCHEDULES

THE JURY ACT*

[7th July, 1898.]

Cap. 186.	S. 19,
Laws	1 of 1979
11 of 1962,	1st Sch.,
15 of 1962	7 of 1980,
S. 35.	3 of 1981,
Acts	1 of 1987,
8 of 1962	28 of 1987,
S. 16,	10 of 1989,
2 of 1966,	8 of 1999,
42 of 1969	1 of 2009,
3rd Sch.,	24 of 2010,
18 of 1975	32 of 2015,
	13 of 2016.

1. This Act may be cited as the Jury Act.

1A. In this Act, references to “jury list” are references to a list as certified pursuant to section 13(1).

Short title.
Interpre-
tation.
32/2015
S. 2.

Qualification of Jurors

2.—(1) Subject to subsections (2), (3) and (4), any person who resides in Jamaica and has attained the age of eighteen years but is under the age of seventy years, is qualified and liable to serve on juries if—

- (a) the person’s name is on any current official list of electors for elections to the House of Representatives; or
- (b) the person is registered under section 17D of the Revenue Administration Act.

(2) No person who—

- (a) is not a Commonwealth citizen; or
- (b) cannot speak, read and write English; or
- (c) is at the date on which he is required to serve as a juror—
 - (i) a person awaiting trial in a Resident Magistrate’s Court for an indictable offence; or
 - (ii) a person in respect of whom a preliminary inquiry into an indictable offence is pending or who has been committed for trial for such an offence; or

(d) has been convicted of treason or any offence for which he has been sentenced to imprisonment (by whatever

*This Act is to be modified consequent on the repeal of the Representation of the People (Interim Electoral Reform) Act.

name called) for a period in excess of six months, unless he has received a free pardon, shall be qualified to serve on juries.

Schedule A.

(3) The persons described in Schedule A shall be exempt from jury service, and their names shall not be inserted in the jury lists.

(4) [*Deleted by Act 32 of 2015, S.3.*]

(5) Save as provided by or pursuant to this section and subject to section 18, no person qualified to serve shall be exempt from jury service.

3. [*Repealed by Act 7 of 1980.*]

4. [*Repealed by Act 7 of 1980.*]

5. [*Repealed by Act 7 of 1980.*]

Finality of jury lists.
7/1980
S. 4.

6.—(1) No person whose name is on the jury list as a juror shall be entitled to be excused from attendance at court on the ground of any disqualification or exemption, other than illness, not claimed by him at or before the final settlement of the list as hereinafter provided; but a Judge, Registrar of the Supreme Court, Resident Magistrate or Coroner may excuse any person if satisfied that—

32/2015
S. 4(a).

(a) that person is disqualified or is entitled to exemption under any provision of this Act; or

8/1999
S. 2(b).

(b) on application by that person or, in the case of an employed person, his employer, such attendance will result in undue financial loss or hardship; or

32/2015
S. 4(a).

(c) such person, for reasons which appear sufficient to the Judge, Registrar of the Supreme Court, Resident Magistrate or Coroner, should be excused.

32/2015
S. 4(b).

(2) Any person who knowingly submits false information in relation to any of the matters referred to in subsection (1), commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one hundred thousand dollars or, in default of payment thereof, to a term of imprisonment not exceeding three months.

(3) No verdict or finding in any proceedings, whether civil or criminal or a Coroner's inquest, shall be invalidated by reason only of the fact that a person disqualified or exempt from so serving, served on the jury in those proceedings.

8/1999
S. 2(b).

Making up of Jury Lists

7.—(1) At such intervals as the Minister may, by order, prescribe, the Director of Elections shall prepare and forward to the Registrar of the Supreme Court a list containing the names in alphabetical order of persons whose names appear on the current official list of electors for elections to the House of Representatives, excluding persons who appear to the Director of Elections to be not qualified for or exempt from jury service pursuant to section 2) and the lists so forwarded shall contain the particulars required by or pursuant to this Act in respect of each such person.

Making up
of jury lists.
32/2015
S. 5.

(2) At such intervals as the Minister may, by order, prescribe, the Commissioner General of Tax Administration Jamaica (hereinafter referred to as the "Commissioner General") shall prepare and forward to the Registrar of the Supreme Court a list containing the names in alphabetical order of persons who are registered under section 17D of the *Revenue Administration Act*, excluding persons who appear to the Commissioner General to be not qualified for or exempt from jury service pursuant to section 2, and the list so forwarded shall contain the particulars required by or pursuant to this Act in respect of each such person.

32/2015
S. 5.

(3) The lists generated under subsections (1) and (2), shall be combined by the Registrar of the Supreme Court by electronic or other means, and such combined list shall be referred to as the master list.

32/2015
S. 5.

(4) The Registrar of the Supreme Court shall forward to the Resident Magistrate for each parish and the Chief Officer of Police for each parish, the master list referred to in subsection (3) and a subset list comprising the names of the persons in the master list who are resident in that parish, and that subset list shall be the list from the which the jury list for the parish is to be settled in accordance with this Act.

32/2015
S. 5.

Special panel
of Justices
to be chosen
by Custos.
7/1980
S. 5.

8. The Custos of each parish shall select a number of Justices in the parish to constitute a special panel for the purpose of settling the jury list for that parish.

Holding of
Special
Petty Session
for provisional
settlement
of jury
list.
7/1980.
S. 5.

9.—(1) The Resident Magistrate in each parish shall summon from the special panel of Justices aforesaid such number of Justices as he considers necessary for the purpose of settling the jury list for that parish; and the Resident Magistrate and the Justices attending pursuant to such summons shall in each parish constitute a Special Petty Session and are hereinafter referred to as “the Justices”.

1/1987
S. 3.
24/2015
S. 6(a).

(2) Such Special Petty Session as aforesaid for each parish shall be held at such intervals as the Minister may by order prescribe at the Court House for the parish at the head station thereof for the purpose of provisionally settling the jury list; and the Resident Magistrate shall preside at each such Special Petty Session.

24/2015
S. 6(b).

(3) The Chief Officer of Police for each parish shall attend the Special Petty Session and—

- (a) verify and correct, where required, the particulars in the list as provided by the Registrar of the Supreme Court under section 7(4); and
- (b) answer upon oath any questions concerning those particulars as may be put to him by the Justices.

(4) It shall be lawful for the Justices to adjourn such Session from time to time to such extent as may be necessary for the purpose of completing the provisional settlement of the jury list.

Correction
of lists in
Special
Petty
Sessions.

10. It shall be lawful for the Justices at such Sessions—

- (a) to strike out of such list the names of all persons shown to their satisfaction to be not qualified, or not liable to serve on juries, or to be dead, or disabled by mental incapacity, deafness, blindness, or other permanent infirmity of body from serving on juries;

- (b) to add to such list the name of any person in the parish, who, according to the best information they have, or are able to obtain, is possessed of the qualifications required by this Act, and liable to serve on a jury; 7/1980
S. 6.
- (c) to correct any errors or omissions, either in the names, or in the particulars required to be inserted in such list respecting any person.

11. The list, after such omissions, additions and corrections have been made, shall be allowed by the Justices present, or two of them, who shall sign the same with their allowance thereof, and deliver the same to the Chief Officer of Police; and such officer shall, on or before such date and at such time as may be prescribed, cause a copy thereof to be displayed in a conspicuous place in each Court House and Police Station within his parish, having first subjoined to every such copy a notice stating that all objections to the list will be heard by the Justices at the Court House at the head station of the parish on such date and at such time as may be prescribed, to the end that notice may be given of persons qualified, who are omitted, or of persons inserted, who ought to be omitted from such list. Allowance
of list and
notification
thereof,
32/2015
S. 7.

12.—(1) The Justices in every parish shall hold a further Special Petty Session at the Court House at the head station thereof, on such date and at such time as may be prescribed, at which the Chief Officer of Police shall attend and produce the original list allowed by the Justices and the Justices shall correct such errors (either in the names, addresses or occupations) as shall be brought to their attention by the Chief Officer of Police. At such Sessions the Justices shall hear finally dispose of any objections that may be made to the list, and shall also select therefrom the names of such persons as in their judgment are best fitted to serve as special jurors (in each of the parishes of Kingston and St. Andrew one hundred and fifty in number and in each of the other parishes of the Island not more than one hundred in number), and cause to be written opposite every name so selected, the words "special juror": Special
Petty
Sessions
for final
settlement
of list.
7/1980
S. 8(a)&(b).
1/1987
S. 4.
3/1981
S. 4.
32/2015
S. 8.

32/2015
S. 5.

Provided that the insertion opposite any name appearing on such list of the letters "S.J." or either of them or of any other abbreviation of the words "special juror", indicating that the Justices have selected as a special juror the person opposite whose name such letter, letters or abbreviation appears, shall have the same force and effect as if the words "special juror" had been written opposite such name:

11/1962
S. 2.

Provided further that no jury list settled for a parish under this section shall be invalidated by reason of the fact only that the aggregate number of persons selected to serve as special jurors for the parish may be greater or less than the number required by this section to be so selected.

7/1980
S. 8(c).

(2) The Special Petty Session may from time to time be adjourned to such extent as may be necessary for the purpose of completing the final settlement of the jury list.

Final
settlement
and trans-
mission of
jury list to
Supreme
Court.
32/2015
S. 9.

13.—(1) Where the list has been settled, the Justices shall certify that the list is to the best of their knowledge and belief, a true and proper list, and their decision as to the qualifications of the persons in that list is final.

(2) The list referred to in subsection (1), to be known in this Act as the "jury list", shall be forwarded to the Registrar of Supreme Court, the Clerk of the Court of the parish to which the list relates and the Chief Officer of Police for the parish.

Persons
whose names
appear on
list to be
jurors for
the parish.
1/1987
S. 6.
7/1980
S. 10(a)
& (b).
32/2015
S. 10(a),(b).

14. The persons whose names appear in the jury list for each parish so transmitted to the Registrar of the Supreme Court shall, as regards those opposite to whose names are written the words "special juror", or the letters "S.J." or either of them, or any other abbreviation of the words "Special Juror", be the special jurors, and as regards the remainder, be the other jurors qualified and liable to serve on the jury for such parish until the formation of a new jury list.

15. No alteration, addition or omission shall be made by the Registrar of the Supreme Court or by the Clerk of the Courts or by any other person on the copy of the list transmitted or delivered to him pursuant to section 13, under a penalty not exceeding two hundred dollars for every such alteration, addition or omission.

No alteration, etc., of list. 1/1987 S. 7.

16.—(1) The Registrar of the Supreme Court shall strike and make up such number of panels of jurors as he considers necessary for the trial of cases at the sitting of each Circuit Court.

Registrar to strike panels. 1/1987 S. 8.

(2) [*Deleted by Act 1 of 2009.*]

17.—(1) Every panel of jurors to be struck and made up for a Circuit Court shall contain the names of such number of jurors, not being less than seventy nor more than one hundred, as the Registrar of the Supreme Court may consider necessary having regard to the number of Courts to be held at such Circuit Court.

Number of jurors on panel. 2/1966 S. 3.

(2) Such jurors shall in every case be taken from the jury list for the parish for which the Court is to be held, but in the case of the Court for the parishes of Kingston and St. Andrew the jurors shall be taken indiscriminately from the jury lists of those parishes, and it shall not be necessary to take any particular number of jurors from the list of either one of such parishes.

18. In making panels of jurors, the Registrar shall not place any juror on the panel a second time, until all the jurors have been placed once on the panel, and the Registrar shall make up the panels so that all jurors shall be summoned equally:

Making up of panels so that jurors may be summoned equally. 7/1980 S. 13.

Provided that—

(a) any juror who has been excused from serving on a panel at an Circuit Court may be placed on the panel for the next or any succeeding Circuit Court in lieu of the panel in respect of which he has been excused;

- (b) any Judge of the Supreme Court, sitting in a Circuit Court, or any Coroner sitting in a Coroner's inquest, may exempt the jurors serving on any particular occasion, from being placed on the list of jurors for such time as the Judge or Coroner, as the case may be, shall think fit.

Service of
summons.
7/1980
S. 14.
1/2009
S. 6(b).
Schedule C.

19.—(1) The Registrar shall cause to be served on each of the juror whose names are contained in the panel made up pursuant to section 18, twenty-one days at least before the day on which such juror is required to attend, a summons in the form provided in Schedule C.

(2) Any such summons may be served upon any person—

(a) by delivering it to him; or

32/2015.
S. 11.

(b) by delivering it at the last or usual place of abode or place of business of the person being summoned, to a person apparently over the age of sixteen years;

(c) by posting it by registered letter post addressed to him at his last or usual place of abode or place of business.

(3) A summons sent by registered post pursuant to subsection (2)(c) shall be deemed to be served after the expiration of ten days after the date on which it was posted unless the contrary is proved.

(4) Service of the summons may be proved by the affidavit, or joint affidavit, of the person or persons serving it or, in the case of service by registered post, the person or persons who despatched it.

(5) Any summons served in the manner prescribed by subsection (2) (b) shall be deemed to be duly served unless the contrary is proved.

(6) The Registrar of the Supreme Court may, in relation to such parishes as he considers necessary or desirable, arrange for the service of summonses by Bailiffs or Assistant Bailiffs of Resident Magistrates' Courts or by constables or such other persons as the Registrar considers fit who, in relation thereto, shall be paid such fees and travelling expenses as may be approved by the Minister.

1/2009
S. 6(c)(i).

1/2009
S. 6(c)(ii).

19A. Where an employee has been summoned to jury service, the employee shall be entitled to time away from his place of employment to serve on a jury, without any loss of remuneration or other benefit or advantage, to which the employee is entitled.

Employee entitled to serve on jury without any loss of remuneration.
32/2015
S. 12.

19B. Where an employee has been summoned to jury service, the employee shall so inform his employer to that effect, as soon as is reasonably practicable.

Employee's duty to inform employer of receipt of summons, etc.
32/2015
S. 12.

19C. Where an employer receives a summons under section 19 on behalf of an employee, the employer shall inform the employee as soon as is reasonably practicable that the employee has been served a summons for jury service.

Employer's duty to inform employee of receipt of summons, etc.
32/2015
S. 12.

19D.—(1) Where an employee is served a summons under section 19, the employee's employer shall not—

Employer shall not punish an employee who is summoned for jury service.
32/2015
S. 12.

- (a) refuse to release an employee for jury service pursuant to the summons; or
- (b) do any of the following in connection with the employee providing jury service pursuant to the summons—
 - (i) deprive the employee of remuneration or other benefits;

(ii) dismiss the employee or threaten the employee with dismissal; or

(iii) take any other punitive action against the employee.

(2) Where an employer who contravenes subsection (1), the employee adversely affected by the contravention may apply to the Court, or to the Industrial Disputes Tribunal, for relief under this section.

(3) Where the Court, or the Industrial Disputes Tribunal, as the case may be, determines that an employer has contravened subsection (1), the Court or the Industrial Disputes Tribunal, may order—

(a) the reimbursement of lost wages and benefits, as applicable; and

(b) the reinstatement of the employees, where the employee has been dismissed by the employer, due to that employee being summoned for jury service or serving as a juror, subject to section 12(5)(c)(iv) of the Labour Relations and Industrial Disputes Act.

Person who attends Court for jury service may apply for certificate recording attendance.
32/2015
S. 12.

19E.—(1) Any person attending Court pursuant to a summons under section 19 may, whether or not the person serves as a juror, apply to the Court for a certificate recording person's attendance at Court.

(2) The Registrar of the Supreme Court shall issue the certificate referred to in subsection (1) (which shall be in the prescribed form) as evidence of the person's attendance at Court.

(3) The certificate referred to in subsection (1) shall—

(a) state—

- (i) the days on which the person attended Court (including, where applicable, the days on which the person served as a juror); and
- (ii) where applicable, the name of the Court and the Judge before whom the case was tried; and

(b) be signed by the Registrar of the Supreme Court.

20.—(1) In the case of Circuit Courts, other than the Circuit Court for the parishes of Kingston and St. Andrew, the Registrar shall, not less than ten days before the day on which the jurors forming a panel are required to attend the sitting of a Circuit Court, send a list of the names of the jurors forming the panel of that court to the Clerk thereof.

Registrar to send jury list to Registrar and Clerks. 1/2009 S. 7(a),(b).

(2) The Clerk of each Circuit Court referred to in paragraph (b) of subsection (1) shall, immediately after the completion of sittings of that Circuit Court, send to the Registrar of the Supreme Court, together with all other relevant records, the list of the names of the jurors forming the panel for that Court.

1/2009 S. 7(c).

21.—(1) Notwithstanding the provisions of sections 16, 17, 19 and 20 if it appears to the Judge of a Circuit Court that the number of jurors served with summonses to attend such Court will be inadequate, having regard to the number and the circumstances of the cases to be tried before such Court, he may at any time before the opening or during the sitting of the Court direct the Registrar of the Supreme Court to strike and make up a further panel of jurors for such Court containing the names of such additional number of jurors as may appear to the Judge to be required, and at the time of so directing he shall fix a date (not earlier than thirty days from the date of the direction) as that on which such additional jurors shall be required to attend the Court.

Power of Court to order additional panel of jurors to be struck.

(2) Upon directions being given under subsection (1), the Registrar of the Supreme Court shall strike and make up a further panel of jurors in accordance therewith and shall cause the jurors making up the panel to be summoned; and the provisions of sections 16, 17, 18, 19 and 20 shall have effect in relation to such further panel and writ as if they were the panel and writ referred to in those sections, save that for the reference to the number of jurors specified in section 17 there shall be substituted a reference to the number of jurors directed to be summoned under this section.

1/2009
S. 8.

Panels of
jurors to
be used
alternately.
2/1966
S. 4.

22. Where more than one panel of jurors has been struck for a Circuit Court under section 16—

- (a) the panels of jurors for the Circuit Court shall be used alternately or successively as the case may be each for a period of two weeks or such other period as the presiding Judge may from time to time direct, until the conclusion of the sitting of such Court, and the persons whose names appear on the panel in use for the time being, shall in all cases attend at such Court throughout the period during which such panel is used, unless excused from doing so by order of the Judge;
- (b) notwithstanding the provisions of paragraph (a) the jurors whose names appear on the panels of jurors for the Circuit Court shall attend at such times, and, if there is more than one sitting of the Circuit Court, at such sittings, as the Registrar or Clerk of the Court may from time to time direct;
- (c) notwithstanding the provisions of section 16 a Judge of the Circuit Court may whenever he considers it expedient to do so, transfer the name of any juror appearing on any of the panels of jurors for such Court from the panel on which such name appears to any other of such panels.

23.—(1) Whenever at the commencement of, or during the sitting of, any Circuit Court it is intended to hold separate Courts under section 31 of the Judicature (Supreme Court) Act the Registrar or Clerk of the Court shall, before the sittings of the Courts, divide each of the panels of jurors as nearly equally as may be between the Courts by drawing the names of the jurors on such panel one by one by lot.

Division of panels where two or more Courts are held. 2/1966 S. 4.

(2) The respective portions so drawn shall in each case constitute one of the panels of each Court:

Provided that whenever there is for any reason a shortage of jurors in one Court, the Judge of that Court may utilize the available jurors from any other Court.

(3) The Judge of any court may, if he thinks fit, divide into two or more sections, any panel of jurors returned to that court and may excuse from attendance on such days as he may specify during the sitting of that court all of the jurors whose names appear in any section.

7/1980 S. 15.

Special Provisions Relating to Special Juries

24.—(1) The Judge of a Circuit Court upon the application of the Director of Public Prosecutions or other Counsel appearing for the Crown, or of the prisoner or his Counsel, in any case which by reason of the necessity to examine and consider accounts or documents involves questions of unusual complexity or difficulty, may, if he thinks fit, order a special jury for the trial of such case.

Power to order special jury in criminal cases involving accounts of documents.

(2) Whenever the Judge orders a special jury for the trial of a case in accordance with the provisions of subsection (1) he shall at the same time fix a date (not earlier than fifteen days from the date of such order) as the date on which such special jurors shall be required to attend.

(3) Upon an order being made under this section the Registrar of the Supreme Court shall strike and make up a panel containing the names of not less than twenty-five special jurors taken from the jury list of the parish for which the Court is to be held, so, however, that in the case of the Court held for the parishes of Kingston and Saint Andrew such names shall be taken indiscriminately from the jury lists of those parishes.

7/1980
S. 16.

(4) Immediately after the striking of such panel the Registrar shall cause to be summoned the special jurors whose names appear on such panel to attend the Court on the date fixed in accordance with the provisions of this section, and the provisions of sections 19 and 20 shall have effect in relation to such panel as if it were the panel referred to in those sections.

1/2009
S. 9(a).

1/2009
S. 9(b).

(5) Whenever the case for which such special jurors are summoned shall not be tried on the day on which they were required to appear, the Judge may order that they shall attend on such other day or days, from time to time, as may appear to him to be necessary for the trial of the case.

Judge may
order special
jury.

25. Upon the application of either party to any civil case wherein issue in fact shall have been joined, any Judge of the Supreme Court may order a special jury.

Appointment
of time and
service of
notice of
striking
special jury.
17/1980
S. 17.

26.—(1) The Registrar of the Supreme Court shall, on application made to him for that purpose, appoint a time for the striking of the special jury before him, and a notice of the appointment shall be served by the applicant on the opposite party, at least ten clear days before the day named for striking the special jury; and the Registrar shall, on application, furnish to either party the names of not less than twenty-one persons named as special jurors.

(2) At the time appointed the Registrar shall, in the presence of the parties, strike out from the list of names of the special jurors such name as may be objected to by one or other of the parties, beginning with the applicant, until the number is reduced to eleven.

(3) If the appointment is attended by one party only, the Registrar shall, upon being satisfied that the absent party is aware of the appointment, act for such absent party in reducing the names of the special jurors to eleven.

(4) The eleven persons so elected shall be the panel of special jurors for the trial of the case at the then ensuing Circuit Court.

27. *[Repealed by Act 1 of 2009.]*

28. Whenever the case for which the special jury has been struck or summoned as aforesaid shall not be tried at the Court for which such special jury was so struck or summoned, it shall not be necessary to obtain a new order for striking another, but the same may be struck and the jurors summoned, as often as may be necessary on the original order.

New order to strike special jury unnecessary for remanet. 1/2009 S. 11.

29. If the party obtaining an order fails to strike the special jury, or having struck the same, if from any cause the jurors are not summoned, then the trial may be had before a jury other than a special jury at the instance of either party, on such terms as the Judge shall deem just.

When special jury not struck or summoned, case to be heard before other jury. 7/1980 S. 19(a),(b). 1/2009 S. 12.

30. When a person is summoned as a special juror at any Court, he shall not be summoned, or liable to serve as a juror other than a special juror at the same Court; but save as aforesaid, no special juror shall be exempt from serving as a juror other than a special juror.

When special juror not to serve on other jury. 7/1980 S. 20(a),(b).

Number of Jury

Number
of jurors in
criminal
cases,
32/2015
S. 13(a).

31.—(1) On trials on indictment for—

(a) treason; or

(b) murder—

(i) committed in the circumstances specified in section 2(1)(a) to (f) of the Offences Against the Person Act; or

(ii) upon the conviction for which section 3(1A) of the Offences Against the Person Act would apply,

twelve jurors shall form the array.

(2) On trials on indictment before the Circuit Court other than for an offence specified in subsection (1), seven jurors shall form the array.

7/1980
S. 21.

(3) Where in the course of a criminal trial any member of the jury dies or is discharged by the Court through illness or other sufficient cause, the jury shall nevertheless, so long as the number of its members is not reduced by more than one, be considered as remaining properly constituted for all the purposes of that trial, and the trial shall proceed and a verdict may be given accordingly.

7/1980
S. 21.
32/2015
S. 13(b)(i).

(4) Where one juror has died or has been discharged as provided for in subsection (3), the verdict of eleven jurors in a trial for treason or murder referred to in subsection (1)(b), or of six jurors in a trial for any other offence, shall be deemed to be a unanimous verdict of the jury, and in the case of a trial—

(a) for murder referred to in subsection (1)(b) a verdict of not less than nine jurors of manslaughter;

(b) [*Deleted by Act 32 of 2015, S. 13(b), (iii).*]

(c) for any offence other than treason or murder referred to in subsection 1(b), a verdict of not less than five jurors,

32/2015
S. 13(b)(iv).

may, in accordance with the provisions of section 44, be received and entered as a verdict of the jury.

32.—(1) In all civil cases the jury shall consist of seven persons, and the verdict—

Number of jurors in civil cases.
7/1980
S. 22.

(a) where the jury consists of seven persons as aforesaid; or

(b) where the number of jurors is reduced in the circumstances mentioned in subsection (2),

shall be that of five jurors at the least.

(2) Where in the course of a civil case a member of the jury dies or is discharged by the Court through illness or other sufficient cause, the jury shall nevertheless, so long as the number of its members is not reduced by more than one, be considered as remaining properly constituted for all the purposes of that trial, and the trial shall proceed and a verdict may be given accordingly.

33.—(1) Every person arraigned for an offence referred to in section 31(1) shall be allowed to challenge seven and no more of the jurors by way of peremptory challenge and without being subject to assign any cause therefor.

Challenges.
7/1980
S. 23(a).
32/2015
S. 14(a).

(2) Subject to subsection (2A), every person arraigned before the Circuit Court for an offence, other than an offence referred to in section 31(1), shall be allowed to challenge—

32/2015
S. 14(b).
13/2016
S. 2(a).

(a) four and no more of the jurors, where the arraignment is for the offence of murder (other than murder referred to in section 31(1)(b)) or for any other offence that attracts a minimum penalty of a term of imprisonment of not less than fifteen years; and

(b) two and no more of the jurors, where the arraignment is for any other offence,

by way of peremptory challenge and without being subject to assign any cause therefor.

13/2016
S. 2(b).

(2A) In respect of offences tried jointly, the peremptory challenges allowed for the purposes of subsection (2) shall be four.

32/2015
S. 14(c)(i).

(3) The Crown shall not be permitted to require any juror to stand by, but instead thereof the Director of Public Prosecutions or any Counsel appearing for the Crown shall be allowed to challenge, in respect of every person arraigned, seven and no more in the case of an offence referred to in section 31(1), or four and no more in the case of an offence referred to in subsection (2)(a), or two and no more in any other case, of the jurors by way of peremptory challenge and without being subject to assign any cause therefor.

32/2015
S. 14(c)(ii).

7/1980
S. 23(a)(b).

(3A) Where a juror is being selected, prior to any evidence being led at the trial, to replace another juror who can no longer serve at that trial—

32/2015
S. 14(d).

- (a) the Director of Public Prosecutions, or any Counsel appearing for the Crown, shall be allowed to use any unused peremptory challenges remaining from the allocation to the prosecution; and
- (b) each person arraigned shall be allowed to use any peremptory challenges remaining from that person's allocation.

(4) Nothing in this section shall affect any right of challenge to the polls for cause, either on the part of the prosecution or of the defence, and every such challenge for cause, if objected to by the opposite party, shall be tried and determined by the Court without a jury, and the person challenged shall be examined on oath, and shall be required to answer on oath all lawful questions relating to the trial of the challenge.

Foreman of
jury.

34.—(1) When the jurors have been duly sworn they shall appoint one of their number to be foreman. If a majority of the jury do not, within such time as the Judge may think reasonable, agree in the appointment of a foreman, he shall be appointed by the Judge.

(2) The foreman shall preside at the meetings of the jury for consideration of their verdict and may ask any information

from the Court that is required by the jury or any of the jurors.

Payment of Jurors

35.—(1) In a civil trial, each person who serves as a juror—

Payment of jurors in civil cases.
7/1980
S. 24.
L.N.
70/1998.
8/1999
S. 3(a).

- (a) shall be paid for each day or part of a day that the trial lasts, such sum as the Minister may, by regulations prescribe; and
- (b) shall be entitled to be paid, in respect of his travelling to and from the place to which he is summoned, such sum as the Minister may, by regulations published in the *Gazette*, prescribe.

(2) [*Deleted by Act 8 of 1999.*]

36.—(1) In all civil cases, the payments allowed as aforesaid, shall be provided by the party on whose application the jury has been obtained, and paid to the Clerk of the Court on each day before the case proceeds, and shall be paid by him to each juror on the last day for which attendance is required.

Method of payment.
7/1980
S. 25(a).

(2) In all civil cases, the amount so paid shall be costs in the cause.

Costs of special jury.
7/1980
S. 25(b) & (c).

37.—(1) In all criminal cases, each person who serves as a juror—

Payment of jurors in criminal cases.
7/1980
S. 26.
L.N.
71/1998.
8/1999
S.4 (a)(b).

- (a) shall be paid for each day or part of a day that the trial lasts, such sum as the Minister may, by regulations prescribe; and
- (b) shall be entitled to be paid, in respect of his travelling to and from the place to which he is summoned, such sum as the Minister may, by regulations published in the *Gazette*, prescribe.

(2) [*Deleted by Act 8 of 1999.*]

Subsistence
allowance.

38.—(1) Where the taxing officer is satisfied that by reason of—

- (a) the distance between the home of a juror and the place to which he is summoned; or
- (b) the state of health of a juror; or
- (c) the means of communication between the home of a juror and the place to which he is summoned; or
- (d) the necessity for a juror to attend at Court upon more than one day,

a juror in any criminal cause was necessarily absent from his home for more than one day by reason of his service as a juror, the taxing officer may allow, in addition to any sum payable to such juror under section 37, such further sum as he is satisfied represents any reasonable expenditure actually incurred by the juror for lodging and necessary subsistence during the period between his departure from his home to attend Court and his return to his home after so attending Court.

(2) For the purposes of this section “taxing officer” means—

- (a) in respect of trials before the Circuit Court for the parish of Kingston, the Registrar of the Supreme Court or an officer deputed by him to act on his behalf;
- (b) in respect of trials before the Circuit Court for any other parish, the Clerk of such Circuit Court.

Fines on Jurors

Fines.
7/1980
S. 27(b).
32/2015
S. 15(a).

39.—(1) If any person, having been duly summoned to attend on a jury at any sitting of the Courts of this Island—

- (a) does not attend in pursuance of the summons;
- (b) having been called thrice, does not answer to his name;
- (c) after having been called, is present but does not appear;
- (d) after his appearance, refuses to serve or to be sworn;
or
- (e) wilfully withdraws himself from the presence of the Court, without leave of the Court and without reasonable excuse,

the Court may act in accordance with subsection (1A).

(1A) The Court may—

- (a) impose upon the person a fine not exceeding ten thousand dollars; or
- (b) in default of payment of the fine referred to in subsection (1), order the person to perform unpaid work for such number of hours (being in the aggregate not being less than forty nor more than three hundred and sixty hours) as may be specified by the Court in any order made for that purpose.

(1B) Subsections (3), (4), (5) and (6) of section 10 of the Criminal Justice (Reform) Act shall apply to an order referred to in subsection (1) as if it were a community service order made under section 10 of that Act.

(1C) Where it appears on information to a Justice of the Peace that the person referred to in subsection (1) has failed to comply with any of the requirements of an order to perform unpaid work made pursuant to subsection (1)—

- (a) the Justice of the Peace may issue a summons requiring the person to appear before a Resident Magistrate for the parish in which that order was made, at a time specified in the summons; and
- (b) the Resident Magistrate shall, upon proof to his satisfaction that the person has failed, without reasonable excuse, to comply with any of the requirements of the order, treat the unpaid fine imposed on him under subsection (1) as being subject to the provisions of section 195 of the Judicature (Resident Magistrates) Act.

7/1980
S. 27(c).

(2) Any person who—

- (a) having been summoned for jury service, makes or causes or permits to be made on his behalf, any false representation with the intention of evading jury service; or
- (b) makes or causes to be made on behalf of another person who has been so summoned any false representation with the intention of enabling that other person to evade jury service,

8/1999
S. 5(b).
32/2015
S. 15(b).

shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or, in default of payment thereof, to imprisonment for a term not exceeding one month.

Juror not
liable to
penalty
unless
served
twenty-one
days before
Court.
7/1980
S. 28.

40. No juror shall be liable to any penalty for non-attendance on a jury, unless the summons requiring him to attend be duly served twenty-one days at least before the day on which he is required to attend, but no longer period than twenty-one days shall in any case be required between the service and such last-mentioned day.

41.—(1) Where, pursuant to section 39, an order is made imposing a fine upon any person in his absence, the proper officer of the Court by which the fine was imposed shall forthwith cause that person to be served personally with a copy of the minute of such order and require him within fourteen days after the date of such service to forward to such officer the amount of the fine or an affidavit giving an explanation of the conduct which led to the imposition of the fine.

Procedure
on infliction
of fine.
7/1980
S. 29.

(2) Such proper officer shall, upon the receipt of any such affidavit, submit it to the Judge, Resident Magistrate or Coroner who presided at the time when the fine was imposed or the Court which imposed the fine, and the Judge, Resident Magistrate, Coroner or Court shall have power to remit the fine.

(3) Where an affidavit is forwarded by any person but the fine is not remitted by the Court, the proper officer shall notify that person accordingly and require him within fourteen days of such notice to forward the amount of the fine.

(4) Upon the failure of any person to forward the amount of the fine or affidavit, as the case may be, in accordance with subsection (1) or (3), the proper officer shall issue in respect of that person, a warrant of commitment for the recovery of the amount of the fine in the form set out in Schedule D.

(5) For the purposes of this section “proper officer” means—

- (a) in respect of the Circuit Court for the parish of Kingston, the Registrar of the Supreme Court or an officer authorized by him to act on his behalf;
- (b) in respect of the Circuit Court for any other parish, the Clerk of such Circuit Court; or

- (c) in respect of a Resident Magistrate's Court or Coroner's Court, the Clerk of Courts.

Recover of
penalties.
7/1980
S. 29.

42. All penalties recovered under this Act shall be paid over to the Accountant-General of the Island for the use of the Consolidated Fund.

Miscellaneous

Tales.
7/1980
S. 29.

43. If the requisite number of jurors do not appear after all just challenges allowed, the Court may add to the jury such number of the bystanders, not disqualified or exempted by law from serving on juries, as shall be sufficient to make up the full number thereof, so, however, that in the case of a special jury, the persons so added shall be selected from those persons included in the jury panel for the same Court, if a sufficient number of such persons can be found; and the persons so added to the jury shall serve under pain of the same penalty, be entitled to the same payments and be subject to the same challenges as if they had been returned upon the jury panel.

Verdict of jury
in criminal
cases.
24/2010
S. 3.

44.—(1) On trials on indictment for—

- (a) murder committed in any of the circumstances specified in section 2(1)(a) to (f) of the Offences Against the Person Act, or murder upon the conviction of which section 3(1A) of that Act would apply; or

- (b) treason,

the unanimous verdict of the jury shall be necessary for the conviction or acquittal of any person for such murder or treason.

(1A) On trials on indictment for murder not falling within subsection (1)(a), after the lapse of two hours from the retirement of the jury a verdict of a majority of not less than five to two, of conviction or acquittal of any person for such murder, may be received by the Court as the verdict of the jury.

13/2016
S. 3

(2) On a trial on indictment for murder, after the lapse of one hour from the retirement of the jury a verdict of majority of not less than five to two of conviction of manslaughter, or of acquittal of manslaughter, may be received by the Court as the verdict of the jury.

13/2016
S. 3

(3) On trials on indictment before the Circuit Court for offences other than murder or treason, the verdict of the jury may be unanimous, or a verdict of a majority of not less than five to two may, after the lapse of one hour from the retirement of the jury, be received by the Court as the verdict of the jury.

(4) Whenever the verdict of the jury is not unanimous the Judge may direct the jury to retire for further consideration.

45.—(1) It shall be lawful for the Judge, on being satisfied that there is no reasonable probability that the jury will arrive at a verdict, to discharge the jury at any time after the lapse of one hour from the first retirement of the jury.

Discharge
of jury in
criminal
cases.

(2) In cases of necessity such as when a juror is taken ill during any trial and the number of its members is reduced by more than one, or a prisoner is by illness or other sufficient cause incapable of remaining at the bar, or for other cause deemed sufficient by the Judge, the Judge may discharge the jury.

(3) Whenever a jury have been discharged, the Judge may adjourn the case for trial at the same sitting of the Circuit Court or at a future sitting of the Circuit Court, and at the subsequent trial the case shall be tried before another array of jurors and the Judge may in his discretion excuse from such array any juror who took part in the previous trial.

Refreshment for jurors.

46.—(1) It shall be lawful for the Court in all cases, in its discretion, to allow the jurors, at any time before giving their verdict, to procure and have reasonable refreshment, such refreshment to be procured at their own expense, unless the Court orders otherwise.

(2) Where any order has been made by the Court under this section, the costs of any refreshment supplied thereunder shall be paid by the officer charged with the payment of witnesses' expenses, and shall be charged against moneys voted for the payment of such expenses.

Power to permit jury to separate.

47.—(1) Upon the trial of any person for any offence before the Circuit Court, the Court may, if it thinks fit, at any time before the jury consider their verdict, permit the jury to separate and go at large; and for the purpose of exercising such discretion, the Court may permit an application to be made either before or during the trial and either in open Court or in Chambers.

(2) Whenever the jury have not been permitted to separate and go at large, proper provision shall be made for preventing the jury from holding communication with any person:

Provided that it shall be lawful for the Judge, for sufficient cause shewn to his satisfaction, to allow one or more of the jurors to separate from the other jurors, but not so as to hold communication with other persons except with the leave of the Court, so, however, that the jurors allowed to separate shall remain in the charge of one of the persons to whose charge they are committed.

(3) Whenever the jury have not been permitted to separate and go at large, or have retired to consider their verdict, the Judge may give such directions as he may think fit with respect to their accommodation, custody, and refreshment.

48. No challenge to the array shall be allowed, nor shall the array be quashed, nor shall any judgment after verdict upon any indictment or information for any felony or misdemeanour be stayed or reversed by reason of the neglect or default of any officer to do or perform any of the foregoing acts or requirements in relation to the preparation of the jury lists, or in the making of the jury panels aforesaid.

Challenge to the array, etc.

49. On the trial of any criminal or civil case, in any Circuit Court, the jury to be impanelled for the trial shall be balloted for by the Registrar, or Clerk, or any other officer of the Court, subject to all rights of challenge.

Ballot for jury in Circuit Court.

50. The powers granted to the Court or a Judge by the provisions of this Act shall be without prejudice to the inherent powers of the Court or a Judge in trials by jury or to the practice of the Courts.

Saving of inherent powers of Court.

51.—Rules of Court may be made prescribing the manner in which jurors are to be summoned and to be selected from the panel.

Rules. 7/1980 S. 30.

52.—The Minister may make regulations generally for giving effect to the purposes and provisions of this Act and in particular, but without prejudice to the generality of the foregoing, may make regulations prescribing—

Regulations. 7/1980 S. 31.

- (a) the form and number of any list required for the purposes of this Act and the particulars to be included in such list;
- (b) the payment of travelling expenses to the jurors in civil and criminal cases.

SCHEDULE A

(Section 2)

List of Persons Exempt from Serving on Juries

- 51/1968
S. 3, Sch.
(a) and (b).
15/1962
S. 35, Sch.
7/1980
S. 32 (1).
L.N.
50/1981.
- Members and spouses of members of the Privy Council, Cabinet, Senate and House of Representatives.
- Judges and spouses of Judges of the Court of Appeal, Judges and spouses of Judges of the Supreme Court, the Master in Chambers and the spouse of the Master in Chambers, the Registrar and spouse of the Registrar of the Supreme Court, Judges and spouses of Judges of the Family Court, Judges and spouses of Judges of the Traffic Court and Resident Magistrates and spouses of Resident Magistrates.
- Custodes of parishes.
- 51/1968
S. 3, Sch.
(c).
L.N.
74/1971.
- The Mayor and Deputy Mayor of the Kingston and Saint Andrew Corporation, Mayors and Deputy Mayors or chairmen and vice-chairmen of Parish Councils, Councillors of the Kingston and Saint Andrew Corporation and of the Parish Councils.
- Officers holding appointments and receiving salaries in the public service of Jamaica.
- 7/1980
S. 32 (1).
- Attorneys-at-law in actual practice.
- Ministers of religion, following no secular occupation.
- Medical practitioners in actual practice.
- Secretaries of Parish Councils.
- 7/1980
S. 32 (1).
- School teachers.
- Teachers in—
- (a) the University of the West Indies, the College of Arts, Science and Technology or Teachers Training Colleges; or
- (b) any institution providing higher education of a standard comparable to that provided by the institutions specified in paragraph (a).
- Persons engaged in a supervisory or technical capacity in any business concerned in the operation of commercial aircraft.
- Masters or captains of vessels actually serving as such.
- Pilots legally appointed and actually serving as such.
- Lighthouse keepers.
- Wharfingers within the meaning of the interpretation section of the Wharfage Act, subject to the following conditions—
- (a) that the exemption extends to one person only in respect of each public wharf; and

(b) that the person claiming the exemption shall claim the same by notice in writing under his hand addressed to the Clerk of the Courts of the parish in which the public wharf is situated, and delivered to him on or before the first day of August in each year.

Dental practitioners registered under the Dental Act.

Veterinary Surgeons registered under the Veterinary Act.

18/1975
S. 19.

Registered Pharmacists dispensing drugs and poisons under the Pharmacy Act.

Commonwealth citizens performing diplomatic or consular duties.

51/1968
S. 3, Sch.
(f).

Officers, non-commissioned officers and men of the Regular Force and Reserve Force of the Jamaica Defence Force.

51/1968
S. 3, Sch.
(g).

Superintendent of Roads and Works.

Inspectors of Poor.

City Engineer.

Persons registered under the Professions Supplementary to Medicine Act.

7/1980
S. 32 (1).

Persons registered under the Nurses and Midwives Act.

Persons enrolled as students in any school, college, university or other institution of learning.

The Director of Elections, members of staff of the Electoral Office and other employees of the Electoral Advisory Committee.

L.N.
50/1981.

SCHEDULE B [Repealed by Act 1 of 2009.]

(Section 19)

SCHEDULE C

Form of Summons to Juror

JAMAICA, S.S.

Parish of

7/1980
S. 32 (3)
(a) (b) (c).

You are hereby required to be and appear at Her Majesty's next Circuit Court, in and for the parish of _____, to be holden at the Court House at _____, on the _____ day of _____ ensuing, at _____ o'clock in the forenoon, there to serve as a (*Special or other*) Juror, and not to depart without leave of the Court, or in due course of law. Hereof fail not at your peril.

If you make default in attendance in pursuance to this summons without some reasonable excuse, you will render yourself liable to a fine of \$2,000.

8/1999
S. 6.

Dated this _____ day of _____, 19____

(Signed)

Registrar of the Supreme Court

1/2009
S. 14(a).

Form of Sworn Return of Service of Jurors for the Circuit Court to be holden at _____, on _____, the _____ day of _____, 19____

No.	Name of jurors	Address	Description	Date of service	By whom served	Remarks
1						
2						
(to 80, 50, or 11 as the case may be)						

JAMAICA, S.S.

Parish of

We, _____, respectively, of the
parish of _____, being duly sworn, make oath
and say, that the abovenamed jurors were respectively served by
as set opposite to our names.

14/2009
S. 14(b).

Sworn to before me, _____, at
this _____ day of _____, 19 _____

(Signed)

Justice of the Peace,
parish of _____

SCHEDULE D

(Section 41)

Warrant of Commitment where fine is not paid

7/1980
S. 33.

Whereas—

- (1) A.B. of _____, was on the (*date of service of summons*) duly summoned to serve as a juror in the (*Court*) in and for the parish of _____; and
- (2) on the (*date of imposition of fine*), pursuant to section 39 of the Act, an order was made by the (*Court*) imposing a fine of [_____ dollars, \$ _____] upon him; and
- (3) a copy of the minute of such order was duly served upon him requiring him to forward the amount of the fine or an affidavit pursuant to section 41 but—

[(a) he has refused or neglected to obey the same;] or

[(b) having forwarded an affidavit pursuant to section 41 he has been notified that the fine has not been remitted by the Court but he has nevertheless omitted to pay the fine;]

These therefore are—

- (A) to command you, the said Constables, unless the said fine be sooner paid, to take the said A.B. and convey him safely to the (*prison or lock-up*) as aforesaid and there to deliver him to the

JURY

Superintendent (or other head officer) together with this precept; and

(B) to command you, the said Superintendent (or other head officer) of the said (prison or lock-up) to receive the said A.B. into your custody in the said (prison or lock-up) there to imprison him for the space of _____, unless the amount of the said fine shall sooner be paid to you,

and for your so doing this shall be your sufficient warrant.

Given under my hand this _____ day of _____ in the parish aforesaid.

(Registrar, Supreme Court)

(Clerk of the Circuit Court for the parish of _____)

(Clerk of the Courts for the parish of _____).

To each and all of the Constables of _____, and to the Superintendent (or other head officer) of the (prison or lock-up) at _____