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SCHEDULE

CHAPTER 115B

JURIES

An Act to make new provision for the law relating to Jurors and for purposes incidental thereto or connected therewith.

1970-23.
1972-35.
1974-18.
1992-17.
1994/73.
1995-1.
1996-20.
2004-1.

[29th June, 1970] Commence-
ment.

1. This Act may be cited as the *Juries Act*.

Short title.

PART I

Preliminary

2. For the purposes of this Act, the expression
- "action" and "matter" have the meanings respectively assigned to them by the *Supreme Court of Judicature Act*;
- "Chief Registering Officer" means the Chief Registering Officer appointed under the *Representation of the People Act*, or any person acting in that office;
- "Commonwealth citizen" means a person who has the status of Commonwealth citizen under the *Constitution*;
- "consular officer" and "consular employee" have the meanings respectively assigned to them in the *Consular Conventions Act*;
- "income" includes rents and profits;

Interpreta-
tion.

Cap. 117A.

Cap. 12.

Cap. 17.

"jury revision year" means the year 1971 and every alternate year thereafter;

Cap. 116A. "magisterial district" has the meaning assigned to it by the *Magistrate's Courts Act*;

Cap. 45. "person of unsound mind" means a person who is found to be suffering from mental disorder within the meaning of the *Mental Health Act*, and includes a person to whom section 13 of that Act applies;

"possession" includes receipt of rents and profits or the right to receive the same, if any;

"qualifying date" means the first day of January of a jury revision year;

"session" means a period during which the High Court is sitting in the exercise of its criminal jurisdiction;

"sitting" means a period during which the High Court is sitting in the exercise of its civil jurisdiction.

Particulars required in any list, panel or book relating to jury service. **3.** Where under this Act any list, panel or book of names is required to be prepared in connection with qualification or liability for jury service or selection for service on any jury, the names in such list, panel or book shall be set out in alphabetical order according to surnames, and each surname shall be followed by the Christian name or names, the sex, the date of birth, the marital status, the place of residence, the calling or occupation and the nature of the qualification of the person concerned.

PART II

Jury Service

Qualifications. 1974-18. **4.** (1) Subject to section 5, a person shall be qualified to serve on a jury who on the qualifying date

1995-1. (a) is over the age of 18 years and under the age of 65 years; and

- (b) is a citizen of Barbados who is ordinarily resident in Barbados or, if he is not a citizen of Barbados, is a Commonwealth citizen who has been ordinarily resident in Barbados continuously for a period of 7 years immediately before the qualifying date; and
- (c) is able to read and write the English language and understand the same when spoken; and
- (d) (i) is in possession of land of site value of not less \$960; or

- (ii) is the occupier of any land which is entered on a valuation roll prepared under the *Land Valuation Act* and for the time being in force, as having site value of not less than \$1 400; or Cap. 229A.
- (iii) has paid and property or other taxes or either of them in accordance with any enactment in force in Barbados relating to such taxes of not less than \$960 for the year immediately before the qualifying date; or
- (iv) was in actual receipt of a clear income for the year immediately before the qualifying date of not less than \$1 440 *per annum*.

(2) Notwithstanding subsection (1), any person who, on the qualifying date

- (a) complies with the requirements of paragraphs (a) to (c) of that subsection; and
- (b) though not complying with any requirement of paragraph (d) of that subsection, is married to a person who is qualified to serve on a jury under that subsection,

shall be qualified to serve on a jury.

5. No person shall be qualified to serve on a jury who

- (a) has been convicted of any misdemeanour in respect of which he has been sentenced to imprisonment or of any arrestable offence unless in either case he has been granted a free pardon;
- (b) is unable to read and write;
- (c) is a person of unsound mind;
- (d) is deaf or blind;
- (e) is declared bankrupt under the law of Barbados and has not been discharged; or
- (f) has entered into a deed of arrangement with his creditors.

Disqualifica-
tions.
1992-17.

- Exemptions. **6.** The following persons are exempt from serving on juries
- (a) members of the Privy Council;
 - (b) members and officers of the Senate or House of Assembly;
 - (c) Judges;
 - (d) magistrates;
 - (e) ministers of the Christian religion ordained or otherwise set apart to the ministry of that religion according to the usages of the persuasion to which they belong;
 - Cap. 18. (f) Heads of Mission within the meaning of section 2 of the *Diplomatic Immunities and Privileges Act*, and members of mission as defined by subsection (2) of section 4 of that Act;
 - Cap. 17. (g) Consular officers or Consular employees of a state to which this section applies by virtue of an order made by the Governor-General under section 9 of the *Consular Conventions Act*;
 - (h) members of the armed forces of the Crown;
 - (i) members of the Police Force;
 - (j) such persons employed in the public service as the Judicial Advisory Council may prescribe by regulations;
 - (k) Commissioners of Probate;
 - 1972-35. (l) attorneys-at-law;
 - (m) officers of the Courts of Law;
 - (n) legally qualified medical practitioners;
 - (o) wives or husbands of persons mentioned in paragraphs (a) to (o).

7. Every person whose name is included in the Jurors Book shall be liable to serve on a jury notwithstanding that he may have been entitled by reason of some disqualification under section 5 or some exemption under section 6 to claim that his name ought not to have been included in the Jurors Book.

Liability to
serve if
name
included in
Jurors Book.

8. Where the names of the jury in any matter, whether civil or criminal, are properly taken from the Jurors Book, the verdict or finding, as the case may be, of that jury shall not be challenged or set aside on the ground that any member thereof was by law disqualified or exempt from jury service.

Verdict of
jury not
open to
challenge on
ground of
defect in
Jurors Book.

PART III

Compilation of Jurors Book

9. (1) The Registrar shall, on or before the 15th day of March in each jury revision year, prepare and publish in respect

Registrar to
publish
Preliminary
Jurors Lists
in each jury
revision year
before 15th
March.

of each magisterial district a Preliminary Jurors List containing the prescribed number of names of persons residing in that district who appear to him to be qualified and liable to serve on juries.

(2) The Registrar shall select from all the names in his possession the prescribed number of such persons in such a way that by reason of their age, sex, place of residence and property and income qualifications, they constitute a representative cross-section of all persons who appear to him to be qualified and liable to serve on juries.

(3) The question whether the Preliminary Jurors Lists, or the Jurors Book, comprise a representative cross section within the meaning of subsection (2) shall not be enquired into in any court.

10. (1) For the purpose of enabling the Registrar to carry out his functions under this Act, the Registrar and any member of his staff and any member of the Police Force (not below the rank of sergeant) authorised by him in writing in that behalf, may, so far as is necessary for the purposes of this Act, require any person to answer any question or to supply any information or to make any return within a time specified by the Registrar or to allow the inspection of any books, records or documents and the making of copies thereof or extracts therefrom. Powers of Registrar.

(2) Any person who—

- (a) without reasonable excuse fails to comply with a demand made under subsection (1);
- (b) wilfully gives any false information in relation to a demand made under subsection (1); or
- (c) wilfully hinders or obstructs any person acting under the authority of subsection (1),

shall be guilty of an offence and shall be liable on summary conviction to a fine of one hundred dollars.

(3) Without prejudice to subsection (1), the Registrar may in each jury revision year—

- (a) require the Commissioner of Inland Revenue to deliver to the Registrar within the time specified by the Registrar in accordance with Form A contained in the

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Schedule.

Schedule the prescribed number of names and addresses of persons who according to their income tax returns for the year preceding the qualifying date are qualified to serve on juries and stating the sex and occupation of each such person, but the Commissioner of Inland Revenue shall not in any manner disclose the income of any such person;

- (b) require the Commissioner of Valuations to make out and deliver to the Registrar within the time specified by the Registrar in accordance with Form B contained in the Schedule lists taken from the valuation roll containing the prescribed number of names of persons residing in each magisterial district who appear to the Commissioner of Valuations to be qualified and liable to serve on juries and stating the sex and occupation of each such person;
 - (c) require the Collector of Taxes to make out and deliver to the Registrar within the time specified by the Registrar in accordance with Form C in the Schedule lists containing the prescribed number of names of persons residing in each magisterial district who appear to the Collector of Taxes to be qualified and liable to serve on juries, stating the sex and occupation of each such person;
 - (d) serve on any employer a notice setting out the qualifications for a juror and requiring such employer to make a return to the Registrar within the time specified by the Registrar in accordance with Form D contained in the Schedule of all persons in his employment who are qualified and liable to serve on juries;
 - (e) require the Chief Registering Officer, the Commissioner of Police and all members of the Police Force to give such assistance to the Registrar as he may consider necessary for the purpose of preparing the Preliminary Jurors Lists, verifying the qualifications of all persons who appear to be qualified and liable to serve on juries and compiling and maintaining the Jurors Book.
- (4) In carrying out their functions under paragraphs (a) and (b) of subsection (3), the Commissioner of Inland Revenue, the Commissioner of Valuations and the Collector of Taxes shall have the same powers and shall enjoy the same protection as the Registrar enjoys under subsections (1) and (2).

(5) Any employer who fails to make the return required under paragraph (d) of subsection (3) within the specified time or wilfully makes a return knowing it to be incorrect or incomplete shall be guilty of an offence and shall be liable on summary conviction to a fine of one hundred dollars.

11. (1) The Registrar shall give at least ten days prior notice to each magistrate of the date on which the Registrar intends to publish the Preliminary Jurors List for the magisterial district of that magistrate and the magistrate shall fix a convenient day and time for the commencement of the revision of such list. Publication
of
Preliminary
Jurors Lists.

(2) The Registrar shall cause the Preliminary List for each magisterial district to be exhibited in a conspicuous place open to the public at the magistrate's court for that district, at all police stations in that district and at such other places within that district as the Judicial Advisory Council may prescribe.

(3) The Registrar shall cause to be attached to the Preliminary Jurors Lists and to be exhibited as in subsection (2) a notice in accordance with Form E contained in the Schedule setting out the day, time and place at which the magistrate will sit for the purpose of revising the List. Schedule.

(4) The Preliminary Jurors List and the notice attached thereto shall continue to be exhibited in accordance with this section until the last day of April in each jury revision year or until the magistrate formally declares the Revising Session closed, whichever date is the earlier.

(5) Any person who removes, destroys, tears, defaces, makes any alteration in or in any other way tampers with the Preliminary Jurors List or the notice attached thereto shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for three months or both such fine and imprisonment.

12. (1) Each magistrate shall hold Revising Sessions for his magisterial district during the month of April in each jury revision year, for the purpose of revising the Preliminary Jurors Lists and shall sit in open court on the day at the time fixed and notified for that purpose and on any day to which the session is adjourned. Revising
Sessions.

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(2) At the Revising Session, the magistrate shall sit with two Justices of the Peace approved by the Chief Justice and shall consult with them before making any alteration in the List.

Proceedings
for Revising
Sessions.

13. (1) Subject to subsections (2) to (5), the magistrate at the Revising Sessions shall revise and generally settle the Preliminary Jurors List so that the Jurors Book when compiled may comply as nearly as possible with the provisions of this Act, and for that purpose—

(a) shall consider applications for—

(i) the removal from the List of the name of any person which ought not to appear therein;

(ii) the insertion in the List of the name of any person which has been omitted therefrom and the insertion of which is necessary to bring the names on the List up to the prescribed number;

(b) may correct any errors or omissions appearing in the List in any of the particulars required by this Act;

(c) may make any consequential amendments to the List.

(2) The name of any person, if omitted from the Preliminary Jurors List, shall not be inserted therein or, if appearing therein, shall not be removed therefrom, unless—

(a) an application is made therefor by that person; or

(b) that person has received notice that an application is to be made for that purpose; or

(c) the magistrate has summoned that person to appear at an adjourned hearing to show cause why his name should not be inserted or removed, as the case may be,

and no such insertion or removal shall be made unless the magistrate and at least one of the Justices of the Peace sitting with him agree thereto.

(3) The Registrar or a member of his staff shall be present at each sitting of the court and shall answer to the best of his knowledge all questions on which the magistrate may require information.

(4) Any party to an application under this section shall be entitled to call witnesses, and for enforcing the attendance of witnesses and compelling them to answer any questions which may properly be put to them, the magistrate shall have the same powers as if he were sitting in the exercise of his criminal jurisdiction.

(5) The magistrate shall, in the presence of the Justices of the Peace, initial the insertion or the removal, as the case may be, of any name in or from the Preliminary Jurors List made in the course of the Revising Session and at the end of the Revising Session the magistrate and both Justices of the Peace shall certify on the face or at the foot of the List that the List has been revised in accordance with this Act and shall forthwith cause it to be delivered to the Registrar or the member of his staff present at the Revising Session and the Registrar shall preserve and keep it among the records of his office.

14. From the several Preliminary Jurors Lists as revised in Jurors Book. the manner provided for by this Act the Registrar shall compile a single Jurors Book for Barbados, suitably inscribed on the outside cover with the year in which it comes into operation, and such Book shall be brought into use on the first day of June of that year and shall continue in force as the only lawful Jurors Book of Barbados until the next succeeding Jurors Book is brought into use.

15. Where as a result of the proceedings under section 13, Supple-
mentary. the number of names to be included in the Jurors Book falls at any time below the number which the Judicial Advisory Council considers to be necessary for the administration of justice during the period when the Jurors Book is required to be in use, that Council shall direct the Registrar to prepare within the time specified by them a supplementary Jurors List in the manner provided for by this Part and to cause the names included in that List to be revised in the said manner by a time specified by them and after being so revised to be added to the Jurors Book.

16. (1) Any reference in this Part to a prescribed number Prescribed
numbers. shall, subject to this section, be construed as a reference to the number as prescribed by the Judicial Advisory Council.

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(2) The Judicial Advisory Council may prescribe official numbers for different provisions of this Part and, instead of prescribing a number, may prescribe a maximum or minimum number or a maximum and minimum number.

(3) The provisions of this Part in relation to numbers shall be satisfied if a number actually selected, in the case of prescribed minimum, exceeds that minimum or, in the case of prescribed maximum, is less than that maximum or, where both maximum and minimum are prescribed, is between that maximum and minimum.

PART IV

Summoning of Jurors

Summoning
of Jurors.

17. (1) For the trial of any matter or list of matters before the High Court, whether civil or criminal, the Registrar shall summon from among the names appearing in the Jurors Book such number of jurors as appear to him to be necessary for the business of the court and shall make a return to the Chief Justice containing the names of the persons so summoned, who shall be the jurors to serve for the sitting or session of the court, as the case may be.

(2) In the case of a sitting, the time for making the return required by subsection (1) shall be at least four days before the date fixed for the sitting; and in the case of a session, the time for making such return shall be at least seven days before the date fixed for the session.

(3) Where more than one court is being held during a sitting or session, the Registrar shall, before the commencement of the sitting or session, divide the panel of jurors returned by him in accordance with subsection (1) as nearly as possible into equal parts so as to provide a separate panel for each court.

(4) The Registrar shall carry out such division by drawing in the presence of a Judge the required number of names from a box containing the names of all persons on the panel.

(5) At any time during a sitting or session, one or more of the jurors on the panel of one court may, by agreement of the Judges of the courts concerned, be transferred to serve in another court and in such case the panel shall be amended accordingly.

(6) Within the times fixed by subsection (2), before the commencement of any sitting or session in respect of which a panel of jurors has been drawn up under this section, the Registrar shall prepare for the use of the court a copy of the list of names appearing thereon, and he shall also keep a copy thereof in his office and the parties to all pending matters to which such list relates and their legal representatives shall on demand be entitled to inspect the same without payment.

18. (1) Subject to this section, the Registrar in summoning persons for jury service shall not place any juror a second time on the panel to be used in any court until all the jurors in the Jurors Book have been placed once on the panel, and the Registrar shall make up the panel so that all jurors shall be summoned in due rotation. Rotation of jury service.

(2) Any juror who has been excused from serving at any court may be placed on the panel for the next or any succeeding sitting or session of the court in lieu of the panel for which he has been excused.

(3) The provisions of this section shall apply separately and independently to civil trials and criminal trials so that every juror shall be capable of serving at such trials and shall not be debarred from serving at one by reason of having been required to serve at another.

19. A summons to any person to serve as a juror shall be effected by a police constable who shall show to the person to be summoned, or, if that person is absent from his place of residence, shall leave with some adult person there residing, at least seven days before the day on which the juror is to attend, a notice in writing under the hand of the Registrar or his lawful deputy, containing the substance of such summons. Mode of effecting summons.

20. Any person duly summoned to attend any court as a juror who without sufficient excuse fails to appear in obedience to such summons or absents himself from the court shall at the direction of the Judge forfeit such sum not exceeding fifty dollars as the Judge may direct, but the Judge, at any time during the sitting or session of the court or at or before the next ensuing sitting or session of the court, may remit such penalty. Failure to appear.

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Power to
excuse jurors
summoned.

21. (1) A Judge may in open court or in chambers exempt or discharge from service during the whole or any part of a session any juror or jurors summoned by the Registrar for that session if in the opinion of the Judge there remains an adequate number available for the business of the court.

(2) A Judge may in open court or in chambers exempt from further service for a period not exceeding four years jurors who have been engaged in a prolonged or difficult civil or criminal trial.

Power to
summon
additional
jurors in
long session.

22. Where at any time during the course of a session it appears to the Chief Justice that an additional number of jurors should be summoned, he may direct the Registrar to summon additional jurors to attend on a date to be fixed by him, and such jurors shall serve at the session in the same manner as the jurors originally summoned.

Remuner-
ation of
jurors.

23. (1) Subject to this section, every juror summoned and attending at any court in accordance with this Act shall be entitled to such remuneration and allowances as may be fixed by resolution of Parliament.

(2) No juror shall be entitled to any remuneration or allowance for attendance on any day in respect of which he was notified not later than the previous day that his attendance was not required—

- (a) by an announcement made in open court by the Judge or Registrar; or
- (b) by written notice by the Registrar served personally on him or left at his last known place of residence.

(3) The Judicial Advisory Council may make regulations prescribing the conditions under which jurors shall be entitled to the payment of remuneration or allowances and the manner in which payments shall be certified and made.

(4) Any regulations made under subsection (3) shall be subject to negative resolution.

PART V

Selection of Juries

24. (1) In trials on indictment for murder and treason the array shall consist of 12 jurors and in trials on indictment for any other criminal matter the array shall consist of 9 jurors. Array.

(2) In trials for any civil matter the array shall consist of 9 jurors.

25. (1) For the trial of any issue the jury shall be drawn in open court, in accordance with the procedure set out in subsections (2) to (4). Method of selecting trial jury.

(2) The name of each juror who has been summoned, but excluding any juror who has been excused from attendance or who is engaged in deliberating on some other matter, shall be written on a separate piece of card which shall be placed in a box; and when the issue is called for trial, the Registrar shall draw therefrom the required number of cards one after the other, calling out the name on each card as it is drawn.

(3) Where any of those whose names are so drawn and called do not appear or are challenged and set aside, then further names shall be drawn in like manner until the required number shall appear.

(4) The names of all persons so drawn shall be placed together, apart from the rest of the names during the trial of the issue, and these persons shall constitute the jury for the trial of the issue.

25A. (1) An employee who has been summoned for jury service shall, forthwith upon receipt of the summons, inform his employer that the employee has been summoned for jury service. Obstruction of jury service.
1995-1.

(2) No employer shall, whether directly or indirectly, by intimidation, undue influence or in any other way prevent or attempt to prevent an employee summoned for jury service from answering the summons.

(3) No employer shall

(a) make any deduction from the pay or other remuneration of an employee; or

(b) otherwise penalise the employee,

by reason of the employee's absence from work on jury service.

(4) Where an employee is absent from his employment for jury service, the employer shall be deemed to have made a deduction from the employee's pay, if the employer does not pay the employee the amount that the employee would have earned but for his absence.

(5) Where the name of a juror is not drawn, or, if drawn is challenged or set aside, the Judge may excuse that juror from jury service for the remainder of the day or for such other period as the Judge specifies.

(6) An employer who contravenes this section is guilty of an offence and liable on summary conviction to a fine of \$5 000 or to imprisonment for 6 months.

(7) Where an employer who is a body corporate contravenes this section every director or manager of such body corporate who knew or ought to have known of the contravention is guilty of an offence and liable on summary conviction to a fine of \$5 000 or to imprisonment for 6 months.

(8) It is a defence to a charge under subsection (6) or (7) for an accused to prove that the employee was excused pursuant to subsection (5) but did not return to his place of employment.

(9) A certificate given by the Registrar that a juror named therein was or was not excused pursuant to subsection (5) is conclusive of the fact stated therein.

(10) Nothing in this section affects the obligation of a juror to his employer under his contract of service in respect of any period for which he is excused from jury service; and where a juror is excused from jury service pursuant to subsection (5) the Judge shall inform the juror of his obligation to his employer.

Sex in
determining
composition
of jury.

26. The Judge before whom a case is called for trial may, in his discretion, on an application made by or on behalf of the parties (including in criminal cases the prosecution and the accused) or any of them, or at his own instance, make an order that the jury shall be composed of men only or of women only as the case may require or may, on application made by a woman to be exempted from service on a jury in respect of any case by reason of the nature of the evidence to be given or of the issues to be tried, grant such exemption.

27. (1) Where in any trial, civil or criminal, a full jury does not appear or, after appearance of a full jury, by reason of challenge or otherwise, there is likely to be a default of jurors, the Judge shall call upon the Registrar to name and appoint, as the need requires, so many persons duly qualified as will make up a full jury who are present or can be found to serve on such jury. Talesmen.

(2) The Registrar shall annex the names of such persons to the panel, and the trial shall proceed in all respects, including the right of challenge, as if the jurors so annexed were members of the original panel.

28. (1) Subject to subsection (2), in any trial on indictment, a person arraigned, whether for treason, or misdemeanour, may object by way of peremptory challenge to not more than 7 of the persons drawn to form the jury, without assigning any reason therefor. Challenge.
1992-17.

(2) Where several persons are arraigned together, the sum total of the peremptory challenges available to all such persons shall not exceed

(a) in any such case in which 5 persons or less are so arraigned, 10; or

(b) in any such case in which more than 5 persons are so arraigned, 2 for each person,

and if the persons arraigned do not join in such challenges, the Judge shall before the commencement of the drawing of the jury apportion fairly among such persons the number of peremptory challenges.

(3) Challenge for cause shall be allowed without restriction either on the part of the prosecution or defence and, if any such cause of challenge is alleged, the Judge shall forthwith enquire into the truth or the validity thereof and shall allow or overrule the same as to him seems proper and his decision shall be final.

(4) Any right of challenge available under this Part, whether peremptory or for cause, shall be exercised before the person challenged is sworn as a juror.

(5) Nothing in this Act shall prejudice the right of the Crown in any criminal trial to ask that jurors stand by until the panel has been gone through.

Jurors to
take oath or
make
affirmation.

29. (1) Before proceeding to any trial, whether civil or criminal, each juror shall in open court take an oath or make a solemn affirmation or declaration that he will well and truly try the issue and give a verdict or make a finding, as the case may be, thereon to the best of his ability according to the evidence; and whenever in any legal proceedings it is necessary or usual to state or to allege that jurors have been sworn, it shall not be necessary to specify that any particular juror has made affirmation or declaration instead of oath, but it shall be sufficient to state that the jurors have been sworn or have affirmed.

1992-17.

(2) It shall not be necessary for the members of the jury to be sworn singly.

Foreman.

30. When the jurors have been duly sworn they shall appoint one of their members to be their foreman, but, if a majority of the jurors do not within such time as the Judge thinks reasonable agree on the appointment of a foreman, the Judge shall nominate one of them as foreman.

PART VI

Jury Procedure

Power of
Judge to
determine
whether jury
be at large
or detained.

31. Where in any trial, civil or criminal, the Judge is satisfied that such a course may be adopted without adversely affecting the interests of justice, he may permit the jury to separate and to be at large at any time before he has charged them, but before permitting them to separate, he shall admonish them not to communicate during the separation with any person concerning the case.

Temporary
separation
of
individual
jurymen.

32. Whenever the jury has not been allowed to separate or are enclosed, the Judge may, for sufficient cause shown to his satisfaction, allow any juror to separate from other jurors in the charge of the Chief Marshal or his deputy, but not so as to hold communication with other persons.

33. Where a jury is not permitted to separate, either during the course of the trial or of any adjournment thereof or after being charged, the members thereof, subject to the approval of the Judge, may receive a reasonable amount of food and drink, and when directed by the Judge the same shall be provided by the Chief Marshal out of moneys voted for the purpose by Parliament.

Refreshment.

34. Where in the course of any civil or criminal trial a member of the jury is taken ill and is in the opinion of the Judge in urgent need of medical attention, the Judge may in his discretion either discharge him from further participation in the trial or permit him, subject to such conditions as he thinks fit (including an adjournment or postponement of the hearing), to be separated from the other members of the jury for the purpose of obtaining such attention.

Jurors falling ill.

35. Where in the course of any civil or criminal trial any member of the jury dies or is discharged by the Judge as being incapable of continuing to act through illness or for any other reason, the jury shall nevertheless, so long as the number of its members is not reduced by more than two, be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a verdict may be given accordingly.

Trial to continue where jury reduced by two.

36. (1) Where, at any time after the jury in any civil or criminal trial has been sworn, any situation of necessity or any misconduct or irregularity or prejudicial matter arises in the course of the trial or for any other reason the Judge deems it proper to do so, he may discharge the jury, and his decision shall not be questioned in any court.

Discharge of jury before verdict.

(2) Where a jury has been discharged under this section, the Judge may adjourn the case for trial at the same session or at a future session or, in the case of a civil trial, on such special day as the Judge may deem fit, and the case shall be tried before another array and the Judge may in his discretion excuse from such array any juror who took part in the previous trial.

PART VII

Jury Verdicts

37. (1) When any jury is not immediately prepared to return its verdict, the Judge shall direct it to retire and be enclosed.

Verdict of jury through foreman.

(2) The verdict or finding, as the case may be, of the jury, whether following consultation in the jury box or after the jury has retired and been enclosed, shall be returned orally by the foreman of the jury in the presence of the other jurors.

38. In a trial on indictment for murder or treason, the verdict of the jury, whether of conviction or of acquittal in respect of that offence, shall be unanimous. Unanimous verdict for murder and treason.

39. Subject to sections 40 and 42,

- (a) in a trial for murder, a verdict of manslaughter of the jury need not be unanimous, if not less than 9 of the jury are agreed thereon; Majority verdicts in certain criminal cases and in civil cases.
- (b) in a trial for a criminal offence other than murder or treason or of a civil action or matter, the verdict of the jury need not be unanimous if not less than 7 of the jury are agreed thereon.

40. (1) A Judge shall not accept a majority verdict unless the foreman of the jury has stated in open court the number of jurors who respectively agreed to and dissented from the verdict. Conditions for acceptance of majority verdicts.

(2) A Judge shall not accept a majority verdict unless it appears to the Judge that the jury have had not less than one hour for deliberation or such longer period, subject to section 41, as the Judge thinks reasonable having regard to the nature and complexity of the case.

(3) For the purposes of subsections (1) and (2), the expression "majority verdict" means a verdict authorised by section 39.

41. (1) Subject to section 43, in the trial by jury of any criminal offence or of any civil action or matter, the jury shall not be kept in deliberation longer than 3 hours unless Time limit for deliberation of jury in criminal and civil cases. 2004-1.

- (a) the Judge determines that a longer period of deliberation is warranted in the circumstances; or

(b) at the end of that period an application is made to the Judge, with the concurrence of a majority of the jurors, for further time, which application shall be granted by the Judge.

(2) The Judge, in granting an application under subsection (1), shall allow such further time as he thinks reasonable having regard to the nature and complexity of the case.

Effect of
reduction of
number of
jurors upon
size of
majority.

42. In any case under this Act where a Judge may accept the verdict or finding, as the case may be, of a majority of the jury and the number of jurors is reduced under section 35, the number of jurors who are required to constitute the majority shall be reduced by a like number.

Inability
of jury
to agree.
2004-1.

43. Notwithstanding section 41, where the Judge is satisfied that there is no reasonable probability that the jury will arrive at a verdict, he may discharge the jury at any time after the expiration of 3 hours from the time of its first retirement.

PART VIII

Right to Jury Trial in Civil Cases

Procedure as
to trial by
jury in civil
matters.

44. (1) Where, on the application of any party to an action or matter to be tried in the High Court made not later than such time before the trial as may be prescribed by rules of court, the Judge is satisfied that

(a) a charge of fraud against that party; or

1996-20.

(b) a claim in respect of defamation, malicious prosecution or false imprisonment, slander to title and slander of goods

is in issue, the Judge shall order the action or matter to be tried with a jury unless he is satisfied that the trial thereof requires any prolonged examination of documents or accounts or any scientific or local investigation which cannot conveniently be made with a jury.

(2) Save as provided in subsection (1), every action or matter shall be tried by a Judge without a jury unless the Judge sees fit to order otherwise.

(3) The provisions of this section are without prejudice to the power of a Judge to order, in accordance with rules of court, that different questions of fact arising in any action be tried by different modes of trial; and where any such order is made, the provisions of this section requiring trial with a jury in certain cases shall have effect only as respects questions relating to any such charge or claim as aforesaid.

PART IX

Miscellaneous

45. Special juries are hereby abolished.

**Abolition of
special juries.**

46. Every person who commits the offence of embracery and every juror who wilfully and corruptly consents thereto shall be liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for twelve months or to both such fine and imprisonment. Embracery.

SCHEDULE

FORM A

s. 10 (3) (a).

JURIES ACT

To: The Commissioner of Inland Revenue

You are hereby required to deliver to me on or before the _____, 19____ a return showing the name, sex, address and occupation of _____ persons who according to their income returns for the year ended the _____ 19____ were in actual receipt of a clear income of not less than \$1,440 per annum.

You must not disclose the actual income of any person.

NAMES	SEX	ADDRESSES	OCCUPATIONS
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FORM B

s. 10 (3) (b).

JURIES ACT

TO: The Commissioner of Valuations

You are hereby required to make out and deliver to me on or before the _____, 19____ lists showing the names, sex, address and occupation of persons residing in each magisterial district who appear to you to have been qualified as at the 31st December, 19____ and liable to serve on juries by virtue of—

- (i) having been on that date in the possession of land of the site value of \$960; or
- (ii) having been on that date the occupier of land which is entered on a valuation roll prepared under the Land Valuation Act and for the time being in force, as having a site value of \$1,400.

THE LAWS OF BARBADOS

You should select the above number from all persons who were in possession of the above qualifications in such a way that by reason of their age, sex, place of residence and property and income qualifications those selected constitute a representative cross section of those entitled to be selected.

NAME	SEX	ADDRESS	OCCUPATION	MAGISTERIAL DISTRICT
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s. 10 (3) (c).

FORM C

JURIES ACT

TO: The Collector of Taxes

You are hereby required to make out and deliver to me on or before the _____, 19____ lists showing the name, sex, address and occupation of _____ persons who appear to you to have been qualified as at the 31st December, 19____ and liable to serve on juries by virtue of having paid property or other taxes or either of them in accordance with any enactment in force in Barbados relating to such taxes of not less than \$960 for the year 19____.

You should select the above number from all persons who were in possession of the above qualifications in such a way that by reason of their age, sex, place of residence and property and income qualifications those selected constitute a representative cross section of those entitled to be selected.

NAME	SEX	ADDRESS	OCCUPATION	MAGISTERIAL DISTRICT
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FORM D

(Section 10 (3) (d))

JURIES ACT

Return by Employer
of

TO:

You are hereby required to deliver to me on or before the _____, 19____ a return on the form endorsed hereon (or enclosed herewith) of your own name if you are qualified to serve as a juror and the names of all persons in your employment who are qualified to serve as jurors and are not disqualified or exempt from serving thereon.

The qualifications for serving on a jury and the disqualifications and exemptions therefrom are set out below.

(Insert here the provisions of sections 4, 5 and 6)

If you fail to make this return within the time specified above or wilfully make a return knowing it to be incorrect or incomplete you will be liable on summary conviction to a fine not exceeding one hundred dollars.

ENDORSEMENT

(Return by Employer)

Surname	Christian Names	Sex	Date of Birth	Marital Status	Place of Residence	Calling or occupation	Nature of Qualification or supposed Qualification	Locality of Property Qualification (if any)

THE LAWS OF BARBADOS

s. 11 (3).

FORM E

JURIES ACT, 1970

Magisterial District

REVISION OF JURY LIST

NOTICE is hereby given as follows—

1. The attached List contains the names of those persons residing in Magisterial District _____ whom the Registrar proposes to enter in the Jurors Book as being the persons qualified and liable to serve as Jurors in the Courts of this Island as from the 1st June 19 _____.

2. The magistrate will sit at _____ on the under-mentioned dates at _____ o'clock in the forenoon, namely _____ for the purpose of hearing any persons who wish to make application for the removal of any name from the List or to make application that any name should be added to the List, the addition of which is necessary to bring the names on the List up to the prescribed number of— and for the purpose of making any other amendment or correction of the List.

3. Any person desirous of having any amendment made to the List must appear at the above-mentioned time and place to make his application, as no alteration can be made in the List after the closing of the Revising Session.

4. The List should contain the names of persons who possess the qualifications set out below and who are not disqualified or exempted as shown below.

QUALIFICATIONS

(*Here insert section 4*)

DISQUALIFICATIONS

(*Here insert section 5*)

EXEMPTIONS

(*Here insert section 6*)

5. IT IS AN OFFENCE punishable by fine or imprisonment to remove, destroy, tear, deface, make any alteration in or in any other way tamper with this notice or with the List.

PRELIMINARY JURORS LIST, 19 _____

in respect of

Persons residing in Magisterial Districts