



ST. CHRISTOPHER AND NEVIS

CHAPTER 3.15

JURY ACT and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2017

This is a revised edition of the law, prepared by the Law Commission under the authority of the Law Commission Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

JURY ACT

Act 6 of 1914 ... in force 1st July 1914
Amended by: Act 22 of 1966
Act 22 of 1967
Act 4 of 1968
Act 16 of 1970
Act 6 of 1976
Act 7 of 1976
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CHAPTER 3.15

JURY ACT

AN ACT TO PROVIDE FOR THE SELECTION OF JURORS IN ANY CIVIL OR CRIMINAL TRIAL;
AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

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

Interpretation.

2. (1) In this Act—

“alphabetical order” means alphabetical order of surnames;

(Definition of “business” deleted by Act 22 of 1967)

“Circuit Court” means Circuit Court whether ordinary or special;

“civil proceeding” means any proceeding other than a criminal proceeding;

“counters” means slips, disks or pieces of wood, metal, paper, parchment, bone, ivory, or other similar substance;

“juror” means a person whose name is included in a jurors’ register for the time being in force;

“jurors’ register”, when not qualified by the addition of a year, means jurors’ register for the time being in force;

“Magistrate” means Magistrate of the district, in which is situate the Court House of the Circuit in which the Registrar referred to in the context serves;

“Minister” means the Minister responsible for National Security;

(Inserted by Act 6 of 1976 and amended by Act 6 of 2000)

“prescribed particulars” means the place of abode and the title, quality, calling, or business;

(Amended by Act 22 of 1967)

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

“Registrar” includes representative authorised in writing by the Registrar.

(Definition of “special jurors” deleted by Act 6 of 1976)

(2) “The prescribed manner” of distinguishing as a special juror in any list made under the provisions of section 8, and in any jurors’ register, a person whose name is therein included, is by writing the letters “S.J.” in the column headed “Remarks,” opposite to the name of such person.

(3) “The prescribed manner” of entering names in a panel of array is by entering the names in alphabetical order; writing opposite to each name the place of abode of the person named; and prefixing the number “1” to the first name, the number “2” to the second name, and so on, in respect of each name, in an arithmetical series.

Books, ballot box and counters.

3. (1) The Registrar of every Circuit, shall, if and when necessary, at the expense of the State, provide himself or herself with a jurors' book, a special jurors' book, a preliminary panel book, a ballot box and a sufficient number of counters for carrying out the provisions of this Act.

(2) The counters so provided shall be numbered, respectively, in an arithmetical series, from one upwards, and shall be, as far as possible, exactly similar each to the other, except as regards the numbers, so as not to be distinguishable to the touch.

PART II

QUALIFICATION OF JURORS

Qualification of jurors.

4. Every person between eighteen years and sixty years, not hereinafter disqualified or exempted, who is qualified to be a voter under any law of the State providing for the registration of voters for the election of members to the National Assembly, whether his or her name appears on the list of such voters or not, shall be qualified and liable to serve as a juror on juries for the trial and determination of proceedings before the Court in the Circuit in which he or she resides.

(Substituted by Act 22 of 1967)

Qualification of special jurors.

5. Every person between eighteen years and sixty years, not hereinafter disqualified or exempted, who is qualified to be a voter under any law of the State providing for the registration of voters for the election of members to the National Assembly, whether his or her name appears on the list of such voters or not, shall be qualified and liable to serve as a special juror on juries for the trial and determination of proceedings before the Court in the Circuit in which he or she resides:

Provided that there shall be a qualification by income which shall in all cases be not less than two hundred and forty dollars per annum inclusive of the value of any board or lodging to which that person is lawfully entitled under the terms of his or her employment:

Provided further that every person liable for the time being to serve as a special juror shall also be liable to serve as a common juror.

(Substituted by Act 22 of 1967)

Exemption.

6. Each of the persons described in the First Schedule shall be exempt from serving either as a common juror or a special juror.

Disqualification.

7. Each of the following persons shall be disqualified from serving either as a common juror or a special juror, viz—

- (a) aliens who have not been previously domiciled in the State for at least ten years;

- (b) persons disabled by unsoundness of mind, or by deafness, blindness, or other permanent infirmity of body;
- (c) persons who have been previously convicted of any treason, felony, or infamous crime, and have not received a free pardon; and
- (d) persons who cannot read and write the English language and understand the same when spoken.

PART III

JURORS' REGISTER AND SPECIAL JURORS' LIST

Jurors' list.

8. Between the 1st and 22nd days of June of every year, the Registrar of every Circuit—

(Amended by Act 16 of 1970)

- (a) shall make out, in the form in the Second Schedule, a list, for the ensuing calendar year, in alphabetical order, of all persons resident in the Circuit, who, in his or her opinion, are liable to serve as common jurors, with the full Christian name and surname, and the prescribed particulars, of each such person set forth, to the best of his or her knowledge and belief, in the proper columns of the list, and shall also distinguish in the list, in the prescribed manner, such of the said persons as are, in his or her opinion, also liable to serve as special jurors:

Provided that any such list of common jurors or special jurors shall only be considered completed before revision by a Magistrate as hereinafter provided when approval of such lists is given in writing by the Attorney-General of the State to the Registrar;

(Proviso inserted by Act 22 of 1967)

- (b) when the list is complete, shall write at the end thereof a notice, in the form in the Second Schedule, stating the day on which the list will be revised by the Magistrate as hereinafter provided, which day shall be the day of the first sitting of the Magistrate's Court after the expiration of 14 days from the day of the publication of the list and notice as hereinafter provided.

Publication of jurors' list.

9. (1) As soon as practicable after a Registrar has completed any such list and notice, he or she shall publish the same by causing a copy thereof to be inserted in, at least, one issue of a newspaper circulating in the Circuit, or, in the *Gazette*, or, by causing a copy of the list and notice to be posted in a conspicuous place at, or near, the door, or one of the doors, of the Court House of the Circuit, and in such other place or places as a Judge may direct.

(Amended by Act 6 of 1976)

(2) When the list and notice are published by copies being posted as aforesaid, the copies shall be kept posted until after the list has been revised as hereinafter provided.

Revision of jurors' list.

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

- (a) the Registrar shall produce to the Magistrate the original list and notice, satisfy the Magistrate as to the day on which the same were published as aforesaid, and answer such questions as may be put to him or her by the Magistrate touching the list; and
- (b) the Magistrate shall revise the said list and shall upon any evidence which may be adduced before him or her, or of his or her own knowledge, information and belief—
 - (i) strike out from the list the name of any person therein included, who, in the opinion of the Magistrate, is not liable to serve in the Circuit as a common juror;
 - (ii) add to the list the name of any person, who, in the opinion of the Magistrate, is liable to serve in the Circuit as a common juror:
Provided that where the name of any person is so added, the full Christian name and surname, and the prescribed particulars, of each such person shall be set forth in the proper columns of the list, to the best of the Magistrate's knowledge, information and belief;
 - (iii) decide which of the persons, whose names were originally included in, or have been added by him or her to the list, are also liable to serve in the Circuit as special jurors, and see that the name of each of the persons, who, in his or her opinion, are so liable, is distinguished in the list in the prescribed manner, and that the name of no other person included in the list is so distinguished; and
 - (iv) correct any error or omission which shall appear to him or her to have been made in respect of the prescribed particulars of any person included in the list:

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

(2) Any person may appear at the revision, personally, and claim, and adduce evidence to show, that he or she is, or is not, liable to serve in the Circuit as a common juror, or as a special juror, as the case may be:

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

(Amended by Act 22 of 1967)

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

(4) As soon as the list has been revised by the Magistrate as aforesaid he or she shall in writing under his or her own hand put his or her signature on every page of the revised list and shall also write a certificate thereon in the form set out in the Third Schedule to the Principal Act and shall return the list to the Registrar.

(Substituted by Act 16 of 1970)

Jurors' Register.

11. (1) On the receipt of the list so revised, signed and certified as aforesaid the Registrar shall cause the following heading to be inserted in his or her own hand duly signed by him or her:

“Jurors' Register of the Circuit for the calendar year ending 31st December of the year next ensuing containing pages.

.....

Signature of Registrar.”

(2) The Registrar shall then file the list as aforesaid in the Registry of the High Court and this list shall be the Jury Register:

Provided that every jury register shall continue and remain in force until the next jury register has been made up.

(3) Every person whose name is included in the jury register of any Circuit shall, while the register is in force be liable to be summoned to serve at the Circuit Courts of the Circuit as a common juror as hereinafter provided.

(Section substituted by Act 16 of 1970)

Special jurors' list.

12. (1) As soon as any jurors' register has been completed under the provisions of section 11, the Registrar of the Circuit stated in the heading of the register shall cause a list to be made, in the special jurors' book for the Circuit, of the names of the persons included in the register, and therein distinguished, in the prescribed manner, as special jurors.

(2) In such list the names shall be copied in alphabetical order, and opposite to each name, shall be written the prescribed particulars, copied from the jurors' register, and the number “1” shall be prefixed to the first name, and the number “2” to the second name, and so on, in an arithmetical series until the last name is numbered.

(3) The list so made in the special jurors' book shall be headed “Special Jurors' List for the year” (filling in the year stated in the heading of the jurors' register) and shall be known as the special jurors' list for that year for the Circuit in question, and shall continue in force during that year.

(4) Every person, whose name is included in the special jurors' list for any Circuit, shall, while the list is in force, be liable to be summoned to, and serve at, the Circuit Courts of the Circuit, as a special juror as hereinafter provided.

PART IV

AMENDMENT OF JURORS' REGISTER

Amendment of jurors' register.

13. (1) At any time while a juror's register is in force—

- (a) the Registrar of the Circuit stated in the heading of the register, if he or she has cause to believe that any person, whose name is included in the register, is dead, or has permanently ceased to reside in the Circuit, or is permanently disabled from serving as a juror by unsoundness of mind, or by blindness, deafness, or other bodily infirmity, shall bring

the matter to the notice of the Magistrate, at the same time producing the register; and

- (b) the Magistrate shall thereupon inquire into the matter, and if, either upon evidence adduced, or of his or her own knowledge, information and belief, he or she is of opinion that the person is dead, or has permanently ceased to reside in the Circuit, or is permanently disabled from serving as a juror by unsoundness of mind, or bodily infirmity, as aforesaid, may cancel the entry in the jurors' register relating to such person, by ruling lines through the entry, and writing in the column of the register headed "Remarks," opposite to the entry, the word "cancelled," together with his or her signature and the date.

(2) When any entry in a register is cancelled under this section, the Registrar shall thereupon cancel the corresponding entry, (if any), in the special jurors' list for the same Circuit, and shall also, if the name of the person to whom the entry relates is included in the last preliminary panel made in the same Circuit, and is not therein marked "Impanelled," cancel the name where it occurs in the said panel.

PART V

ARRAYS OF COMMON JURORS

Time of impaneling. Number to be impanelled.

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

(2) Subject to the provisions of subsection (4) of section 16, every array of common jurors shall consist of thirty persons, but any judge may, by an order in writing under his or her hand, direct a greater number to be impanelled for any Circuit Court specified in the order, and, when any such order has been made, the number directed in the order shall be impanelled accordingly.

Certain jurors not to be impanelled.

15. (1) Subject to the provisions of subsection (4) of section 16, a Registrar shall not impanel in an array of common jurors any juror, who is known, or believed, by him or her to be temporarily absent from the Circuit, and not likely to return in time to be summoned to attend the Circuit Court.

(Amended by Act 22 of 1967)

(2) Where two or more distinct businesses are carried on by, or on behalf of, the same person, or persons, the fact that a juror, employed in one of such businesses, has been impanelled to serve on an array, shall not excuse another juror, employed in another of such businesses, from being impanelled in the same array.

(3) Any person carrying on, or for the time being, in charge of, any business in a Circuit, may, from time to time, give to the Registrar a list of jurors employed in the business, and the Registrar, upon receiving the said list, shall, when he or she next proceeds to impanel a jury, make such enquiries as he or she may think fit, and act accordingly.

(Subsection (4) was deleted by Act 22 of 1967)

Mode of impanelling.

16. (1) When a Registrar is impanelling an array of common jurors, he or she shall make in the preliminary panel book a preliminary panel, in the form in the Fourth Schedule, in which he or she shall, after any names, which under the provisions of section 17, are to be inserted therein, insert as many more names as may be required, taken alternately from the first and the last parts of the jurors' register, as follows, namely—

- (a) he or she shall ascertain which of the persons, whose names are included in the first part of the jurors' register, was impanelled last, at the last impanelling of an array of common jurors in that Circuit, in the same year, and shall insert in the preliminary panel, as the next name, the name which in the register, immediately succeeds the name of such person;
- (b) he or she shall next ascertain which of the persons, whose names are included in the last part of the register, was impanelled last, at the last impanelling aforesaid, and shall insert in the preliminary panel, as the next name, the name which, in the register, immediately precedes the name of such person;
- (c) he or she shall insert in the preliminary panel, as the next name, the name, which, in the register, is the second name below the name of the person first ascertained, as above provided, and as the next name, the name which, in the register, is the second name above the name of the person last ascertained, as above provided, and so on, until as many names as may be required are inserted in the preliminary panel:

Provided that, if and whenever, this is no longer possible, he or she shall insert in the preliminary panel the first name in the register, and next the last name in the register, and next the second name in the register and next the last name but one in the register, and so on, until as many names, as may be required, are inserted in the preliminary panel.

(Amended by Act 22 of 1967)

(2) As each name is included in the preliminary panel, whether taken from the last preceding preliminary panel, as prescribed in section 17, or from the register, as prescribed in subsection (1) the Registrar shall—

- (a) if there is no objection, under section 15 to the person named being impanelled, write the word "Impanelled" opposite the name in the preliminary panel; or
- (b) if the person named is known by the Registrar to be temporarily absent from the Circuit, and not likely to return in time to be duly summoned to the Circuit Court, the Registrar shall write in the preliminary panel, opposite the name of the person so absent, or so employed as first mentioned, instead of the word "Impanelled," the words, according to the circumstances, "Temporarily absent".

(Amended by Act 22 of 1967)

(3) When thirty names inserted in the preliminary panel have been marked "Impanelled," as aforesaid, the preliminary panel shall be complete.

(4) Notwithstanding anything hereinbefore contained, if, when a Registrar is impanelling an array of common jurors to serve at a Circuit Court, the number of jurors, whose names are included in the jurors' register of the Circuit, does not exceed thirty, the Registrar shall impanel, as the array to serve at the Circuit Court in

question, all the jurors whose names are included in the register, and such array shall be good and valid, although the number impanelled is less than thirty.

Preliminary panel.

17. Every preliminary panel shall be made in the preliminary panel book of the Circuit, and shall be signed and dated by the Registrar, and, whenever the Registrar of any Circuit is making out a preliminary panel under this section, if there are any names included, but not marked "Impanelled" in the last preceding preliminary panel of the same Circuit the Registrar shall insert such names, or such of them as have not been cancelled under the provisions of section 13 as the first names in the new preliminary panel, in the same order in which they occur in the last preceding preliminary panel.

Panel of array.

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

(2) When an array is impanelled under subsection (4) of section 16 the names of the persons impanelled shall be entered in the prescribed manner in a panel of array.

PART VI

ARRAYS OF SPECIAL JURORS

Special jury in criminal cases.

19. In any criminal proceeding, any Judge may, upon the application of the Crown, or the person charged, order the proceeding to be tried by a special jury, and, if he or she shall think fit, appoint a special day for the trial.

Special jury in civil cases.

20. (1) Any party to any civil proceeding, who is entitled to have the same tried by a Judge and jury, may, subject to the provisions of subsection (1) of section 46, have the proceeding tried by a judge and special jury, on giving notice in writing to that effect to the other party to the proceeding, and also to the Registrar of the Circuit in which the trial is to be held:

Provided that such notice is given not less than fourteen days before the day fixed for the holding of the Circuit Court at which the proceeding is to be tried.

(2) A Judge may, at any time, on the application of any party to any civil proceeding, order, subject to the provisions of subsection (1) of section 46, that the proceeding be tried by a Judge and special jury upon such terms as he or she may think fit, and may appoint a special day on which the trial shall commence.

(3) The time specified in subsection (1) may be varied by rules of Court.

Mode of impanelling.

21. (1) Whenever an order has been made for the trial of any proceeding by a Judge and special jury, or whenever notice has been given pursuant to the provisions of subsection (1) of section 20, the Registrar of the Circuit, in which the trial is to be

held, shall, subject to the provisions of subsection (2), and subsection (1) of section 46, appoint a time for impanelling the array of special jurors pursuant to such order, or notice, and shall give notice of the time so appointed to every party to the proceeding, and, at the time so appointed shall proceed to impanel the array as follows—

- (a) he or she shall put into the ballot box, for every name included in the special jurors' list for the Circuit, a counter inscribed with a number corresponding to the number prefixed to that name in the said list, and, having thoroughly intermixed the counters, shall draw out of the box, one by one, thirty of the said counters, and, as each counter is drawn, write down in a list the number inscribed on the counter and the name in the special jurors' list to which that number is prefixed:

Provided that, if the number of names in the special jurors' list is less than thirty, the Registrar shall first enter in the list all the names included in the special jurors' list, and shall then, fairly and indifferently select such a number, as, in addition to those whose names are already entered in the list then being prepared, will make up the full number of thirty, and shall enter in the last mentioned list the name of each person so selected;

(Amended by Act 22 of 1967)

- (b) the plaintiff in the proceeding shall then be at liberty to strike out one of the thirty names contained in the list and the defendant in the proceeding, another, and so on alternately, until eighteen names have been struck out:

Provided that if either the plaintiff or the defendant is absent or unrepresented or does not exercise his or her right, the Registrar shall strike out on his or her behalf:

and provided that in the case of a criminal proceeding the word "plaintiff" means the Crown and the word "defendant" the person charged;

- (c) the Registrar shall then cause the twelve names remaining in the list to be entered in the prescribed manner in a panel of array;
- (d) the persons, whose names are included in the panel, shall be the array of special jurors to be summoned for the trial of the proceeding;
- (e) the Registrar shall, on demand of any party to the proceeding, supply him or her with a copy of the panel as soon as possible after the panel is complete;
- (f) any party to the proceeding, who is dissatisfied with the manner in which the array has been impanelled, or with the conduct of the Registrar in impanelling it, may apply to a Judge, who may, if he or she sees sufficient grounds, set aside the impanelling, and order another array to be impanelled, and give such directions in the matter as he or she may think fit.

(2) Whenever, in any proceeding, an array of special jurors has been impanelled, the parties to any other proceeding, which is to be tried with a special jury at the same Circuit Court as the first mentioned proceeding, may agree in writing that the array impanelled in the first mentioned proceeding shall be impanelled as the array in the proceeding to which they are parties, and, on the agreement being filed,

the Registrar shall, subject to the provisions of subsection (1) of section 46, impanel the array accordingly.

PART VII

SUMMONING OF JURORS

Day for which jurors to be summoned.

22. As soon as an array, whether of common or special jurors, has been impanelled, the Registrar shall proceed to summon each of the jurors included in the array to attend on the day fixed for the holding of the next Circuit Court in the Circuit, unless, in the case of an array of special jurors, another day has been appointed by a Judge, in which case the jurors included in the array shall be summoned to attend on that day.

Service of summons.

23. A summons to attend as a juror shall be signed by the Registrar, and may be served either—

- (a) by being delivered to the juror, or left at his or her usual place of abode, at least six days before the day on which the juror is summoned to attend; or
- (b) through the post office in the manner and on the conditions following—
 - (i) the summons and the duplicate thereof shall each be legibly addressed to the juror at his or her place of abode, as described in the jurors' register, or, at such other address as the Registrar shall, after enquiry, believe to be correct, and the summons and the duplicate thereof shall each have the words "Jury Summons" legibly written thereon on the same side as the address;
 - (ii) the summons, together with the duplicate thereof, shall be delivered to the postmaster of the principal post office in the Circuit at his or her office during business hours at least eight days before the day on which the juror is cited to attend;
 - (iii) the postmaster shall compare the address on the duplicate with the address on the summons, and if they both agree, and if the summons and the duplicate both have legibly written thereon the words "Jury Summons," shall stamp the duplicate with the stamp of the post office, and return it to the person who brought it to him or her, and shall keep the summons for transmission to its address, treating it in all respects as a registered letter except that it shall be forwarded open and that no fee shall be charged;
 - (iv) if it is reported to the postmaster that any summons so kept by him or her has not been delivered at its address, the postmaster shall endorse thereon the cause of the non-delivery, and forward it without delay to the Registrar, who shall forthwith endorse on the face of the duplicate the words "Not delivered" and sign and date such endorsement;

- (v) a duplicate purporting to be a summons to a juror, stamped as hereinbefore provided and not endorsed "Not delivered," as hereinbefore provided, shall be *prima facie* evidence that the summons was duly served on the juror:

Provided that no such summons shall be served through the post office in any part of a Circuit, in the manner herein provided, unless and until the Minister shall, in writing, notify the Postmaster in such Circuit that jury summonses may be served through the post office in the said Circuit or in that part thereof, and the Minister may cancel, alter, or amend such notification at any time.

(Amended by Act 6 of 1976)

PART VIII

TRIALS

Quashing of array.

24. Every application, made at a Circuit Court for the quashing of an array, shall be heard and determined by the presiding Judge, and no array shall be quashed on the ground of any formal defect, or of any breach of any of the provisions of this Act, unless the presiding Judge is satisfied that it is expedient, on the merits and in the interests of justice, that the array should be quashed.

Impanelling of further jury.

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

Number of jury.

26. Every jury impanelled for the trial of any proceedings shall consist of twelve persons.

(Substituted by Act 6 of 2000)

Peremptory challenges and standing by.

27. When a common jury is being impanelled for the trial in the High Court of any person or persons charged with any treason, felony or misdemeanour—

- (a) the person charged, or each of the persons charged, may peremptorily and without assigning cause challenge any number of jurors not exceeding three;
- (b) the Crown shall have the same right as, at the commencement of this Act, it has in England, to ask that jurors stand by until the panel has been "gone through" or perused.

Challenges for cause.

28. (1) When a jury is being impanelled for the trial of any proceeding, any juror, whose name has been drawn as hereinafter provided, may be challenged for cause by any of the parties to the issue, and, where any such challenge is made, the same shall be inquired into by the presiding Judge, who, after hearing any evidence which may

be adduced, may allow, or disallow such challenge, and the decision of the Judge, as to what is or is not, sufficient cause, shall be final.

(2) In this section “cause” means anything which, in the opinion of the presiding Judge, renders it improper, or inadvisable, that the person challenged should be impanelled for the trial of the proceeding.

Mode of impanelling juries.

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

- (a) the Registrar shall place in the ballot box, for every name included in the panel of the array, whether it be an array of common or special jurors, a counter inscribed with a number corresponding to the number prefixed to the name in the panel, and, having thoroughly intermixed the counters, shall proceed to draw, one by one, out of the box, nine counters, and, as each counter is drawn, shall write down the number inscribed on the counter, and, opposite to the number, the name in the panel to which that number is prefixed, and call out the name;
- (b) the juror named shall then enter the jurors’ box:
Provided that, if any jurors so drawn and called do not appear and enter the jurors’ box, or, in a criminal proceeding, being present, are asked by the Crown to stand by, or are challenged by the person or persons charged as provided in section 27, the Registrar shall proceed in the manner above-mentioned until nine jurors have been drawn and approved as indifferent;
- (c) if, from any cause, the full number of nine cannot be made up from the jurors included in the array, the presiding Judge may require as many other jurors present to serve on the jury as may be necessary to complete the full number, and every juror so required shall be liable to serve as a juror for the trial of the said proceeding, and shall, as soon as his or her name is called, enter the jurors’ box, subject to the peremptory challenges and standing by provided in section 27;
(Amended by Act 22 of 1967)
- (d) when a juror is named and enters the jurors’ box, if any challenges are made, whether peremptorily or for cause, as each challenge is made, it shall be heard and determined, and, if the challenge is allowed, the juror challenged shall leave the box, and another juror be selected in the manner above-mentioned, and, on his or her entering the box, the next challenge, if any, shall be made and determined, and, if it is allowed, the juror challenged shall leave the box, and another juror be selected in his or her stead, in the manner above-mentioned, and shall enter the box;
(Amended by Act 22 of 1967)
- (e) as soon as nine persons are in the jurors’ box, who are not challenged, or have not been successfully challenged, they shall be the jurors impanelled for the trial of the proceeding, and shall then be counted and sworn;
- (f) in every criminal proceeding, the person charged shall, before any juror is sworn, be informed of his or her right, and be given a reasonable opportunity to challenge whether peremptorily or for cause, before the Registrar begins to administer the oath to any of the jurors,

but no challenge shall be allowed after the Registrar has, with the leave of the presiding Judge, begun to administer the oath to any of the jurors impanelled.

(2) Notwithstanding anything hereinbefore contained, where, at any Circuit Court, no objection shall be made by any party to a proceeding, the proceeding may be tried by the Judge with the same jury which, at the same Circuit Court has previously tried, or been drawn to try, another proceeding, or the Judge may order any of the said jury to whom both parties object, or who is, or are, excused by the Judge, or successfully challenged, to withdraw, and another juror or other jurors to be drawn instead, and may try the first mentioned proceeding with a jury composed of the residue of the original jury and such additional juror or jurors.

(3) The jury, by whom any proceeding is to be tried under this section, shall first be duly sworn for the trial of the proceeding in the same manner as if they had been impanelled under subsection (1).

Swearing jury.

30. Jurors impanelled for the trial of any proceeding shall be sworn in the same manner, subject to the provisions of section 53, and with the same form of oath, in and with which jurors, impanelled in England for the trial of a similar proceeding, might, at the commencement of this Act, be sworn.

View.

31. Whenever, at the trial of any proceeding, the presiding Judge is of the opinion that it is expedient, in the interests of justice, that the jury impanelled to try the proceeding should have a view of any place, or of any real or personal property, connected with the proceeding, the Judge may order such view to be made accordingly, under such conditions as to costs, and generally, as he or she shall think fit.

Refreshment to jury.

32. After a jury has been impanelled and sworn for the trial of a proceeding, they may, in the discretion of the presiding Judge, and subject to such conditions as he or she may think fit, be allowed, at any time before giving their verdict, reasonable refreshment, to be procured in criminal cases at the expense of the Crown, and in civil cases at their own expense.

Death, absence or incapacity of juror.

33. If, during the trial of any proceeding, not being the trial of a capital charge one of the jury dies, or becomes incapable of serving, or absents himself or herself, it shall not be necessary to discharge the jury, or to add thereunto another juror, but the trial shall be proceeded with by the remaining eight jurors notwithstanding such death, absence or incapacity.

Separation of jury during adjournments.

34. (1) Whenever, at any Circuit Court, the trial of any person charged with any felony, or with any misdemeanour, is adjourned, before the jury begin to consider their verdict, either from one day to another day, or from one hour to another hour of the same day the Judge may permit the jury to leave the Court and separate until the close of the said adjournment, provided the following oath has been previously administered to them in open Court:

“You swear that, during any adjournment of this trial of the issue joined between Our Sovereign Lady the Queen and the prisoner at the bar (or defendant as the case may be) which you have been sworn to try, you will not, whilst separated and until you shall be assembled in Court again, speak with, listen to, or hold any communication, verbal, written or otherwise, with any person whomsoever, other than your fellow jurors impanelled and sworn for the trial of the said issue, on any matter whatever relative to the said trial; and that, upon the termination of every adjournment of the said trial, you will again come into this Court. So help you God.”

(Amended by Act 22 of 1966)

(2) When the said oath has once been taken by a juror in the course of a trial, it shall not be necessary to administer it to him or her again during the same trial.

(3) If any juror shall refuse to take the said oath, his or her refusal shall not prevent the separation or departure of so many of the jurors as shall have taken it, but the juror so refusing shall be kept, during such adjournment by the proper officers sworn, in the usual manner, neither themselves to speak to, nor hold any communication with, such juror touching any matter relative to the said trial.

Verdict.

35. A verdict of a jury shall not, in any proceeding be accepted within two hours after the conclusion of the Judge’s summing-up, unless it is unanimous; but, after the expiration of two hours from the conclusion of the summing up, any verdict in which at least ten of them agree, may be accepted as the verdict of the whole.

(Substituted by Act 6 of 2000)

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

36. Save for a second trial if, in any proceeding, no verdict is delivered by a jury within four hours after the conclusion of the summing-up of the presiding Judge, and the Judge is satisfied that there is no prospect of the jury agreeing, he or she may discharge them.

(Amended by Act 10 of 1998)

New trial in case of abortive trial.

37. Whenever, from any cause, the trial of any proceeding shall prove abortive, the presiding Judge may discharge the jury, and the proceeding may be tried with a new jury, duly impanelled and sworn, either at the same, or, if the Judge so orders, at the next Circuit Court in the same Circuit, in the same manner as if the former abortive trial had not taken place.

Judge’s verdict.

***38.** In any proceedings where the jury fails to agree and there is a second trial in the same case and no verdict is delivered by the jury within four hours after the conclusion of the summing-up of the presiding judge at the second trial then the judge, if he or she is satisfied that there is no prospect of the jury agreeing, shall enter a verdict, except that he or she shall give reasons for the verdict entered by him or her.

(Inserted by Act 10 of 1998)

* Previously section 37A. Note: Sections 38 to 53 have been renumbered accordingly as a result of renumbering section 37A as section 38. Also Parts VIII, IX, XI have been consolidated into one Part entitled: “Part IX – Miscellaneous Provisions”

PART IX

MISCELLANEOUS PROVISIONS

Excusing jurors.

39. No juror, duly summoned to attend at a Circuit Court, shall be entitled to be excused from attendance thereat, on the ground of any exemption, or disqualification, or on any other ground, save and except illness or unavoidable accident, but the Judge presiding at a Circuit Court, or, before the commencement of the sitting, any Judge, or, if no Judge is present in the Circuit, the Registrar, may, upon reasonable and sufficient cause being shown upon oath, or where the cause is the state of the jurors' health, on a certificate purporting to be signed by a duly qualified medical practitioner, exempt a juror summoned to attend thereat from attendance during the whole or any part of the sitting.

Obligation of Employers.

***40.** (1) Where a person is selected as a juror, the employer of that person shall be required, whilst the person is acting as a juror, to pay that person the wages or salary that would be normally due to that person, as if the person were carrying out his or her regular duties, in relation to that employment.

(2) An employer who acts in contravention of subsection (1) by refusing to pay the employee or by deducting from the wages or salary of that person for the time that he or she is selected for jury duty, commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars.

(3) Where an employer is convicted of an offence pursuant to subsection (2), he or she shall be required to remunerate the employee in question, in respect of any prior non-payment or deduction from the employee's salary or wages.

(4) Where an employer—

- (a) threatens to demote, dismiss or actually demotes or dismisses an employee for any time spent doing jury duty;
- (b) requires an employee to work on the day that he or she is doing jury duty;
- (c) reduces the number of vacation days lawfully owing to an employee to compensate for any time spent by that employee in doing jury duty;
- (d) requires the employee to work additional hours to compensate for any time spent doing jury duty;
- (e) takes any other action prejudicial to the employment or conditions of employment of an employee, for doing jury duty,

that employer commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars.

(Inserted by Act 24 of 2012)

Fines.

41. (1) As soon as may be convenient after the opening of a Circuit Court, the names of the jurors impanelled to serve thereat shall be called, and every juror, who,

* Previously section 39A. Note: Sections 40 to 54 have been numbered accordingly as a result of renumbering section 39A as section 40

having been duly summoned, does not answer to his or her name, after it has been thrice called, may be fined by the presiding Judge any sum not exceeding twenty-five dollars.

(Amended by Act 22 of 1966)

(2) Whenever at any Circuit Court a jury is being impanelled and sworn for the trial of any proceeding—

- (a) every juror duly summoned to attend the Court, provided he or she has not been excused, and provided he or she is not at the time serving on a jury for the trial of another proceeding; and
- (b) every juror present in Court and required by the Judge to serve on a jury under the provisions of subsection (1) of section 29,

who fails to answer to his or her name when called, or refuses to enter the jury box, or leaves the jury box without the permission of the Judge, or refuses to be sworn for the trial of the proceeding, may be fined by the presiding Judge any sum not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

(3) Every juror sworn to try a proceeding at a Circuit Court, who shall leave the jury box without the permission of the presiding Judge, or who, when the jury are allowed to separate during any adjournment of the Court, fails to return into Court at the termination of the adjournment, may be fined by the presiding Judge any sum not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

Registrar to record fines.

42. Whenever a juror is fined under section 41 of this Act, the Registrar for the Circuit in which the fine is imposed shall record in his or her minute book the name of the juror and the amount and cause of the fine.

Reduction or remission of fines.

43. (1) Whenever a juror is fined under this Act, who attended at the Circuit Court at which such fine was imposed, the presiding Judge may, at any time during, or within one week after the closing of the Court, upon sufficient cause being shown, reduce or remit the fine.

(2) Whenever a juror is fined under this Act, who did not attend at the Circuit Court at which the fine was imposed, any Judge may, at any time before the termination of the sitting of the next Circuit Court in the same Circuit, upon sufficient cause being shown, reduce or remit the fine.

(3) Whenever a Judge, under this section, reduces, or remits, any fine, he or she shall give due notice of such reduction or remission, to the Registrar for the Circuit in which the fine was imposed, and the Registrar shall thereupon duly note such remission or reduction, accordingly, in the margin of his or her minute book, opposite to the entry therein of the imposing of the fine.

Payment and recovery of fines.

44. (1) Where, at any Circuit Court, any fine has been imposed on a juror under this Act, and the fine has not been remitted, the amount of the fine, or, if the fine has been reduced, the amount to which the fine has been reduced, shall be paid to the Registrar of the Circuit in which the fine was imposed, before the closing of the next Circuit Court in the same Circuit, and, in case of default, the Registrar shall

immediately after the closing of the last mentioned Circuit Court issue a warrant, directed to the Provost-Marshal, requiring him or her to levy by distress and sale of the goods and chattels of the juror, the amount of the fine, or, if the fine has been reduced, the amount to which the fine has been reduced, and every such warrant shall be executed in the same manner as a writ of *feri facias* in the High Court.

(2) Where any such levy is made, the amount of the fine, or, if the fine has been reduced, the amount to which the fine has been reduced, shall, together with the reasonable expenses of the levy, be paid out of the proceeds thereof, and the surplus, if any, of the proceeds of the levy shall be returned to the juror.

(3) In case any warrant is issued, as in this section provided, and no goods and chattels of the juror can be found on which to levy, or, in case any levy is made as in this section provided, and the proceeds of the levy shall be insufficient to pay the reasonable expenses of the levy and the amount to recover which the levy was made, any Judge, on the application of the Registrar of the Circuit in which the fine was imposed, such application being supported by an affidavit, or affidavits, verifying the facts, may, by warrant of commitment under his or her hand, directed to the Provost-Marshal and the keeper of the prison, order the juror to be imprisoned for any period not exceeding one month, unless the amount due in respect of the warrant to levy and the execution thereof, is sooner paid, and may issue such further process as may be necessary to enforce the said order:

Provided that, where any application is made under this section for a warrant of commitment, the Judge may adjourn the application and order notice thereof to be served on the juror.

Scale in civil proceedings.

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

- (a) in the case of special jurors summoned as such and duly sworn for the trial of the proceeding, the sum of one dollar and forty-four cents for each day or part of a day during which they shall serve as jurors;
- (b) in the case of special jurors summoned as such but not sworn for the trial of the proceeding, the sum of one dollar and forty-four cents only;
- (c) in the case of common jurors duly sworn for the trial of the proceeding, the sum of ninety-six cents for each day or part of a day during which they shall serve as jurors;
- (d) in the case of common jurors not sworn for the trial of the proceeding, the sum of ninety-six cents only;
- (e) in the case of all jurors, the expenses actually incurred in travelling to the Court where the civil proceeding is tried, but not exceeding twelve cents per mile for every mile of the journey travelled:

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

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

- (a) the sum of ninety-six cents for each day or part of a day during which he or she serves as a juror in the civil proceeding;
- (b) the expenses actually incurred in travelling to the Court where the civil proceeding is tried, but not exceeding twelve cents per mile:

Provided that no juror shall receive an allowance under this enactment who shall be entitled to receive the allowance provided by subsection (1) of section 49.

(3) Every juror who by reason of his or her service as a juror in the trial of a civil proceeding is necessarily absent from his or her home at night shall be entitled to receive, in addition to the sums hereinbefore in this section mentioned, the following sums, that is to say—

- (a) in the case of a special juror, for each night while so absent, the sum of ninety-six cents;
- (b) in the case of a common juror, for each night while so absent, the sum of forty-eight cents.

Deposit in advance of jury money.

46. (1) No array of special jurors shall be impanelled in any civil proceeding, unless the party applying for the impanelling shall first deposit with the Registrar such sum as the Registrar may think fit, for the payment, in accordance with section 45, of such of the jurors, included in the said array, as may afterwards be impanelled as a jury for the trial of the said proceeding.

(2) No common jury shall be impanelled for the trial of any civil proceeding, unless the party applying for the impanelling has first deposited with the Registrar of the Circuit, in which the proceeding is to be tried, such sum as the Registrar may think fit, for the payment of the jury, in accordance with the provisions of section 45.

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

Payment of jurors during trial.

47. (1) Where any deposit is made, in any civil proceeding, under the provisions of section 46, the Registrar shall, at the close of each day during which the jury serve on the trial of the proceeding, pay, out of the deposit, to each of the jurors impanelled, the sum to which he or she is entitled under the provisions of section 45, and, if, after the jury have been discharged, the deposit is not yet exhausted, shall pay the surplus to the party by whom the deposit was made, but, if and whenever, at the close of any day, the money deposited for the payment of the jurors is exhausted, he or she shall at once report the fact to the presiding Judge, who shall forthwith discharge the jury, unless the party, at whose instance the jury was impanelled, or any other party to the proceeding, shall forthwith deposit with the Registrar such further sum as the Judge shall think fit for the payment of the jury as aforesaid.

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

Costs consequent on trial by jury.

48. (1) Whenever any civil proceeding is tried by a common jury, and the costs of the trial are awarded to the party to the proceeding at whose instance the jury was impanelled, such costs shall, unless the presiding Judge otherwise orders, include the moneys which have been paid to the jury under the provisions of section 47.

(2) Whenever a civil proceeding is tried by a special jury, and the costs of the trial are awarded to the party to the proceeding, at whose instance the special jury was impanelled, the costs so awarded shall not include any of the additional costs occasioned by the proceeding being tried by a special jury instead of a common jury, unless the Judge, before whom the proceeding was tried shall, before the taxation of the costs, certify in writing, under his or her hand, that the same was, in his or her opinion, a proper proceeding to be tried by a special jury:

Provided that, in default of such certificate, the party to whom the costs have been awarded, shall, unless the Judge presiding at the trial otherwise orders, be allowed the sums, which would, under the provisions of section 47, have been paid to a common jury.

Rules for payment of jurors out of public funds.

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

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

(Amended by Act 6 of 1976)

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

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

(Amended by Act 6 of 1976)

Trial of aliens.

50. No alien shall be entitled to be tried by a jury *de medietate linguae*, but every alien shall be triable by a jury impanelled and sworn under this Act, in the same manner as if he or she were a British subject.

Combination of offices.

51. Where, in any Circuit, any person holds the combined offices of Registrar and Magistrate, he or she may perform the duties imposed on him or her by this Act in respect of each of the said offices, notwithstanding such combination.

Affirmations in lieu of oath.

52. Whenever the taking of an oath is required under this Act, the provisions of the Oaths Act, Cap. 3.19 shall apply.

Kissing the Book in swearing.

53. Whenever a juror is sworn, under the provisions of this Act, upon a Book, he or she shall not be required to kiss the Book, but shall hold it in his or her right hand, while the oath is being administered to him or her, and when the oath has been administered to him or her, shall say "I will," or such other words of assent as shall be directed by the presiding Judge.

Penalty for influencing jurors.

54. (1) Every person who—

- (a) corruptly influences or attempts to influence any juror in the performance of his or her functions as a juror in any cause before the Court; or
- (b) corruptly interferes with the trial of any cause before the Court,

shall, on conviction on indictment, be liable to imprisonment for a term not exceeding three years.

(2) Every juror who yields to any corrupt influence or is guilty of any improper behaviour in connection with the performance of his or her functions as a juror shall, on conviction on indictment, be liable to imprisonment for a term not exceeding three years.

(Section inserted by Act 22 of 1967)

Trial not invalid by irregularity in preparation of List.

55. No trial shall be rendered invalid or the verdict therein liable to be challenged, by reason only that there has been any irregularity in the preparation of any jury list or improper conduct on the part of any person or authority discharging any duty with respect thereto prior to the impanelling of the Jury to try the case if the Panel of persons was struck from a jury register purporting to have been prepared not more than three years previous to the use, under and in accordance with the Act.

(Inserted by Act 16 of 1970)

FIRST SCHEDULE

(Section 6)

Members of the Cabinet.

Members of the National Assembly, and the clerk thereof.

Officers of the treasury, revenue, postal, and other government departments, and government surveyors and engineers.

District Magistrates and their clerks.

Police Officers.

Keepers of poor houses, lunatic asylums, and leper homes.

Keepers and other officers of prisons, and the masters and officers of hospitals.

Officers of courts of law, and barristers and solicitors in actual practice and their clerks.

Ministers of religion and inspectors and teachers of schools.

Properly qualified medical men in actual practice.

Persons engaged in the service of any telegraphic company.

Managers of banks.

All consular representatives of foreign powers being of foreign nationality, and any such representatives being of British nationality as the Minister may, by notice published in the *Gazette*, declare to be exempt from service on juries:

Provided that any such exemption may be cancelled by the Minister at any time.

(Amended by Act 22 of 1967)

—————

SECOND SCHEDULE

(Section 8)

Circuit.

JURORS' LIST FOR THE YEAR 20 .

Christian and Surname at length.	Place of abode.	Calling.	Nature of Qualification.	Remarks.

NOTICE.

The above are the persons whom it is proposed should be inserted in the Jurors' Register for the year 20..... . The list will be revised at the sittings of the Magistrate's Court to be holden at....., on the day of, at o'clock, and the Magistrate may then make such changes therein as he or she may think fit, either by adding or striking out names, or otherwise. Any person, whether included or not included in the said list, may then appear personally, or by his or her counsel or solicitor, and claim that he or she is, or is not, liable to serve as a common or special juror, as the case may be, or, if unable to attend personally, may give the Magistrate notice in writing of his or her claim, supporting it by such evidence as he or she may think fit, and the Magistrate will then, as far as he or she reasonably can, inquire into the claim. The Magistrate's decision in revising the said list will be conclusive, and all persons included in the said list, after it has been revised by the Magistrate, will be liable during the year 20 to be summoned and serve as common or special jurors, as the case may be, notwithstanding any disqualification or exemption other than illness or unavoidable accident.

Dated thisday of 20.....

Registrar for the Circuit.

THIRD SCHEDULE

(Section 10)

I CERTIFY that this list has been revised by me, and that it is, to the best of my knowledge, information and belief, a true and correct list of the persons who are liable to serve in the Circuit of, as common jurors, and that such, and such only, of the said persons as are also liable to serve as special jurors, are, in the said list, distinguished as such in the prescribed manner.

Dated thisday of 20.....

Magistrate for District

FOURTH SCHEDULE

(Section 16)

PRELIMINARY PANEL

FOR THE CIRCUIT COURT TO BE HELD ON THE DAY OF 20.....

Name of Juror.	Whether taken from last Preliminary Panel or direct from Jurors' Register.*	Whether impanelled and if not, why not.

* Put P.P. for last Preliminary Panel and J.R. for Jurors' Register.

FIFTH SCHEDULE*(Section 49)***NEVIS JURORS (ALLOWANCES) RULES****Short title.**

1. These Rules may be cited as the Nevis Jurors (Allowances) Rules.

Jurors' Allowances.

2. (1) Every juror residing outside the Town of Charlestown and attending the Circuit Court in the Nevis Circuit for the trial of criminal causes in pursuance of a summons under the Jury Act shall be entitled to receive as compensation for loss of time an allowance of one dollar and fifty cents a day or part of a day for each day he or she is required to attend and does attend a session.

- (2) Every such juror shall be paid a travelling allowance of twenty-four cents for every mile or part of a mile travelled to and from the Court exclusive of the first mile to and from the Court House.

SIXTH SCHEDULE*(Section 49)***SAINT CHRISTOPHER JURORS (ALLOWANCES) RULES****Short title.**

1. These Rules may be cited as the Saint Christopher Jurors (Allowances) Rules.

Jurors' Allowances.

2. (1) Every juror residing outside the Town of Basseterre and attending the Circuit Court in the Saint Christopher Circuit for the trial of criminal causes in pursuance of a summons under the Jury Act shall be entitled to receive as compensation for loss of time an allowance of one dollar and fifty cents a day or part of a day for each day he or she is required to attend and does attend a session.

- (2) Every such juror shall be paid a travelling allowance of twenty-four cents for every mile or part of a mile travelled to and from the Court exclusive of the first mile to and from the Court House.