

THE JURY ACT  
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*JURY*

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SCHEDULES

THE JURY ACT

[7th July, 1898.]

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

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

Short title.

*Qualification of Jurors*

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

1/2009  
S. 2.

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

(2) No person who—

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

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

Schedule A.

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

(4) The Minister may from time to time, by order published in the *Gazette*, amend Schedule A.

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

3. [Repealed by Act 7 of 1980.]

4. [Repealed by Act 7 of 1980.]

5. [Repealed by Act 7 of 1980.]

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

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

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

8/1999  
S. 2(b).

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

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

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

#### *Making up of Jury Lists*

Making up  
of jury lists.

7.—(1) On or before the first day of February in each prescribed year, the Chief Electoral Officer shall prepare and





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

Allowance  
of list and  
notification  
thereof.  
3/1981  
S. 3.

1/1987  
S. 4.

12.—(1) The Justices in every parish shall hold a further Special Petty Session at the Court House at the head station thereof, on the third Thursday in August at ten o'clock in the forenoon in each prescribed year, at which the Chief Officer of Police shall attend and produce the original list allowed by the Justices and the Justices shall correct such errors (either in the names, addresses or occupations) as shall be brought to their attention by the Chief Officer of Police. At such Sessions the Justices shall hear and finally dispose of any objections that may be made to the list, and shall also select therefrom the names of such persons as in their judgment are best fitted to serve as special jurors (in each of the parishes of Kingston and St. Andrew one hundred and fifty in number and in each of the other parishes of the Island not more than one hundred in number), and cause to be written opposite every name so selected, the words "special juror":

Special  
Petty  
Sessions  
for final  
settlement  
of list.  
7/1980  
S. 8 (a) & (b)  
1/1987  
S. 4.  
3/1981  
S. 4.

Provided that the insertion opposite any name appearing on such list of the letters "S.J." or either of them or of any other abbreviation of the words "special juror", indicating that the Justices have selected as a special juror the



person opposite whose name such letter, letters or abbreviation appears, shall have the same force and effect as if the words "special juror" had been written opposite such name:

11/1962  
S. 2.

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

7/1980  
S. 8 (c).

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

Final  
settlement  
and trans-  
mission of  
jury list to  
Supreme  
Court.  
7/1980  
S. 9.  
1/1987  
S. 5

13. After finally settling the jury list as aforesaid, the Justices present shall certify in writing on each of two copies of such list that they have examined it, and that the list is, to the best of their knowledge and belief, a true and proper jury list; and their decision as to the qualifications of the persons in the list shall, as respects that list, be final. A copy of the list so certified shall be delivered to the Clerk of Courts of the parish to be retained by him, and the other copy shall be delivered to the Chief Officer of Police, who shall forthwith transmit the same to the Registrar of the Supreme Court, for preservation by him as part of the records of such Court, at the same time attesting on oath his receipt of the copy of the list from the Justices as aforesaid, and that no alteration has been made therein since his receipt thereof.

3/1981  
S. 5.

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

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



















(b) for any offence other than murder or treason, a verdict of not less than five jurors, may, in accordance with the provisions of section 44, be received and entered as a verdict of the jury.

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

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

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

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

shall be that of five jurors at the least.

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

33.—(1) Every person arraigned for murder or treason shall be allowed to challenge seven and no more of the jurors by way of peremptory challenge and without being subject to assign any cause therefor.

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

(2) Every person arraigned before the Circuit Court for any offence other than murder or treason shall be allowed to challenge five and no more of the jurors by way of peremptory challenge and without being subject to assign any cause therefor.

7/1980  
S. 23 (b).

(3) The Crown shall not be permitted to require any juror to stand by, but instead thereof the Director of Public Prosecutions or the Deputy Director of Public Prosecutions or any Counsel appearing for the Crown shall be allowed to challenge, in respect of every person arraigned,

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

seven and no more in the case of murder or treason, or five and no more in any other case, of the jurors by way of peremptory challenge and without being subject to assign any cause therefor.

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

Foreman  
of jury.

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

(2) The foreman shall preside at the meetings of the jury for consideration of their verdict and may ask any information from the Court that is required by the jury or any of the jurors.

#### *Payment of Jurors*

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

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

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

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

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

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

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

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

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

Payment of jurors in criminal cases.

(a) shall be paid for each day or part of a day that the trial lasts, such sum as the Minister may by regulations prescribe; and

7/1980  
S. 26.

(b) shall be entitled to be paid, in respect of his travelling to and from the place to which he is summoned, such sum as the Minister may, by regulations published in the *Gazette*, prescribe.

L.N.  
71/1998.  
8/1999  
S. 4 (a)(b).

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

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

Subsistence allowance.

(a) the distance between the home of a juror and the place to which he is summoned; or

(b) the state of health of a juror; or

(c) the means of communication between the home of a juror and the place to which he is summoned; or

(d) the necessity for a juror to attend at Court upon more than one day,

a juror in any criminal cause was necessarily absent from his home for more than one day by reason of his service as a juror, the taxing officer may allow, in addition to any

sum payable to such juror under section 37, such further sum as he is satisfied represents any reasonable expenditure actually incurred by the juror for lodging and necessary subsistence during the period between his departure from his home to attend Court and his return to his home after so attending Court.

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

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

#### *Fines on Jurors*

Fines.  
7/1980  
S. 27 (b).

39.—(1) If any person having been duly summoned to attend on a jury at any sitting of the Courts of this Island does not attend in pursuance of such summons, or having been called thrice, does not answer to his name, or if any such person, after having been called is present but does not appear, or after his appearance refuses to serve or to be sworn, or wilfully withdraws himself from the presence of the Court without leave of the Court and without reasonable excuse, it shall be lawful for the Court to impose upon him such fine, not exceeding two thousand dollars, as to the Court may seem fit.

8/1999  
S. 5 (a).

7/1980  
S. 27 (c).

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

sentation with the intention of enabling that other person to evade jury service, shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding four thousand dollars or to imprisonment for a term not exceeding six months.

8/1999  
S. 5 (b).

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

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

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

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

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

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

(4) Upon the failure of any person to forward the amount of the fine or affidavit, as the case may be, in

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[The inclusion of this page is authorized by L.N. 3/2001]

accordance with subsection (1) or (3), the proper officer shall issue in respect of that person, a warrant of commitment for the recovery of the amount of the fine in the form set out in Schedule D.

Schedule D.

(4) For the purposes of this section "proper officer" means—

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

Recovery  
of  
penalties.  
7/1980  
S. 29.

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

#### *Miscellaneous*

Tales.  
7/1980  
S. 29.

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

Verdict of  
jury in  
criminal  
cases.

44.—(1) On trials on indictment for murder or treason, the unanimous verdict of the jury shall be necessary for the conviction or acquittal of any person for murder or treason.

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[The inclusion of this page is authorized by L.N. 3/2001]

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

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

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

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

Discharge  
of jury in  
criminal  
cases.

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

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



Refresh-  
ment for  
jurors.

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

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

Power to  
permit  
jury to  
separate.

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

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

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

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

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

Challenge to the array, etc.

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

Ballot for jury in Circuit Court.

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

Saving of inherent powers of Court.

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

Rules. 7/1980 S. 30.

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

Regulations. 7/1980 S. 31.

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

## SCHEDULE A

(Section 2)

*List of Persons Exempt from Serving on Juries*

51/1968  
S. 3, Sch.  
(a) and (b).  
15/1962  
S. 35, Sch.  
7/1980  
S. 32 (1).  
L.N.  
50/1981.

Members and spouses of members of the Privy Council, Cabinet, Senate and House of Representatives.

Judges and spouses of Judges of the Court of Appeal, Judges and spouses of Judges of the Supreme Court, the Master in Chambers and the spouse of the Master in Chambers, the Registrar and spouse of the Registrar of the Supreme Court, Judges and spouses of Judges of the Family Court, Judges and spouses of Judges of the Traffic Court and Resident Magistrates and spouses of Resident Magistrates.

Custodes of parishes.

51/1968  
S. 3, Sch.  
(c)  
L.N.  
74/1971.

The Mayor and Deputy Mayor of the Kingston and Saint Andrew Corporation, Mayors and Deputy Mayors or chairmen and vice-chairmen of Parish Councils, Councillors of the Kingston and Saint Andrew Corporation and of the Parish Councils.

Officers holding appointments and receiving salaries in the public service of Jamaica.

7/1980  
S. 32 (1).

Attorneys-at-law in actual practice.

Ministers of religion, following no secular occupation.

Medical practitioners in actual practice.

Secretaries of Parish Councils.

7/1980  
S. 32 (1).

School teachers.

Teachers in—

L.N.  
50/1981

(a) the University of the West Indies, the College of Arts, Science and Technology or Teachers Training Colleges; or

(b) any institution providing higher education of a standard comparable to that provided by the institutions specified in paragraph (a).

Persons engaged in a supervisory or technical capacity in any business concerned in the operation of commercial aircraft.

Masters or captains of vessels actually serving as such.

Pilots legally appointed and actually serving as such.

Lighthouse keepers.

Wharfingers within the meaning of the interpretation section of the Wharfage Act, subject to the following conditions—

(a) that the exemption extends to one person only in respect of each public wharf; and







