

## **JURY BILL, 2015**

### **EXPLANATORY NOTES**

This Bill seeks to improve the regulation of juries, which is currently regulated under the Jury Act CAP. 156. This Bill seeks to give to the Registrar of the Supreme Court greater control and responsibility of preparation of the jury for criminal trials and includes various other improvements to ensure a more efficient process for selection of jurors and a fairer dispensation of justice.

**Part I** of the Bill provides for the preliminary provisions and contains **Clauses 1-4**.

**Clause 1** sets out the short title and commencement of the Act for which this is the Bill.

**Clause 2** provides the interpretation wherein words and phrases used throughout the Bill are legally defined.

**Clause 3** provides for application of the Act for which this is the Bill.

**Clause 4** provides for the qualifications of persons to eligible for jury service.

**Part II** of the Bill makes provision for exemptions and disqualifications persons from jury service and contains **Clauses 5-7**.

**Clause 5** provides for exemptions of persons from jury service based on their occupation and is cross-referenced with the **First Schedule** which specifies public offices that qualify for exemption under **Clause 5**.

**Clause 6** provides for disqualification of persons from jury service based on their appropriateness and capacity to discharge the functions of a juror.

**Clause 7** provides for the context for exemptions and disqualification of persons from jury service.

**Part III** of the Bill makes provision for the jurors' register and contains **Clauses 8-13**.

**Clause 8** provides for the annual generation of the jurors' list by the Registrar.

**Clause 9** provides for the public publication of the jurors' list generated pursuant to Clause 8.

**Clause 10** provides for revision of the jurors' list by the Registrar and at least two assessors based on objections raised against person named in the published the jurors' list.

**Clause 11** makes provision for the appointment of assessors to assist the Registrar in the revision of the jurors' list.

**Clause 12** provides for an appeal against a decision made by the Registrar with respect to an objection raised against a person named in the jurors' list.

**Clause 13** makes provision for a jurors' register to be generated and kept following the revision of the jurors' list.

**Part IV** of the Bill provides for the summoning of jurors and contains **Clauses 14 - 16**.

**Clause 14** provides for the selection of jurors and the service of summons to the jurors selected.

**Clause 15** precludes the selection of multiple employees from one place of business to serve as jurors at the same time and prohibits employers from frustrating an employee's ability to discharge the functions of jury service.

**Clause 16** makes provision for the presumption of the regularity of the jury panel.

**Part V** of the Bill provides for the empanelling of the jury and contains **Clauses 17-19**.

**Clause 17** makes provision for the calling of the names of the jurors on the jury.

**Clause 18** provides for the procedure for keeping the records of the names of jurors, on the basis of whether sworn or unsworn.

**Clause 19** makes provision for alternate jurors in the event that jurors are unable to discharge the functions as necessary.

**Part VI** of the Bill provides for the empanelling of the jury and contains **Clauses 20-30**.

**Clause 20** provides for the number of jurors required for proceedings.

**Clause 21** provides for the allotted number of jurors that the defence or the prosecutor may challenge in the absence of any ground of challenge prescribed by law.

**Clause 22** provides for the defence or prosecutor to challenge jurors on the basis of prescribed grounds.

**Clause 23** provides for the counting, and swearing or affirmation, of jurors and marks the commencement of the exercise of functions as jurors.

**Clause 24** makes provisions for acceptable verdicts, the necessary majorities required for conviction and other matters surrounding the verdict.

**Clause 25** provides for discharge of the jury where the jurors cannot make a decision after the expiration of three hours.

**Clause 26** provides for the procedure for communication with the jury when the jury is deliberating the verdict.

**Clause 27** provides for the discharge of the jury under specified circumstances and to replace the jury with a new jury.

**Clause 28** provides for the adjournment of a trial at the Court's discretion.

**Clause 29** provides for the fees and allowances payable to jurors to compensate for their service.

**Clause 30** provides for the provision of basic accommodation, custody and refreshment for the jurors while they discharge their functions.

**Part VII** of the Bill provides for the offences and fines for non-compliance with the provisions under the Act for which this is the Bill and contains **Clauses 31-36**.

**Clause 31** provides for the offences committable by a juror surrounding non-attendance to discharge the functions as juror.

**Clause 32** provides for the offences committable by a juror surrounding refusal to discharge functions as juror.

**Clause 33** provides for the offences committable by a juror surrounding corrupt influence in discharge of functions as juror.

**Clause 34** provides for other offences committable by any person who prejudices the system for jury service in the specified manners.

**Clause 35** provides for remission and reduction of fines where the Judge is satisfied that the course of action is appropriate in all the circumstances.

**Clause 36** empowers the Registrar to recovery of fine payable by a person by virtue of a provision under Clause 31 or 32, where the person refuses or neglects to make the payment.

**Part VII** of the Bill provides for the offences and fines for non-compliance with the provisions under the Act for which this is the Bill and contains **Clauses 37-40**.

**Clause 37** provides for the jury to view a place, thing or person for a better understanding of the issues to be determined for the purposes of the verdict.

**Clause 38** provides for the release of a juror from attendance for a specified period.

**Clause 39** provides for continued abolition of trial by jury in civil proceedings.

**Clause 40** empowers the Minister to amend by Order and the schedules to the Act for which this is a Bill. An Order to amend the Second Schedule, which is cross-referenced with Clause 29 of the Act for which this is the Bill, is subject to negative resolution because Clause 29 provides for the fees and allowances of jurors to compensate for the discharge of their duties and it is imperative to ensure transparency and to protect against any risk of corrupt influence by the Minister. An Order to amend any other schedule to the Act for which this is the Bill is not subject to any resolution of Parliament.

**Clause 41** provides for repeal and transitional provisions.

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**A.K.Cajeton Hood**  
**HON. ATTORNEY-GENERAL**

**JURY BILL, 2015**

**GRENADA**

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**JURY BILL, 2015**

**GRENADA**

**ACT NO.                      OF 2015**

**AN ACT** to provide for the modernisation and enhancement of the Jury System and for related matters.

**BE IT ENACTED** by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Grenada, and by the Authority of same as follows—

**PART I  
PRELIMINARY**

**Short title and commencement**

1.     (1) This Act may be cited as the

**JURY ACT, 2015.**

(2)    This Act shall come into force on such a day as the Minister may appoint by Order in the *Gazette*.

**Interpretation**

2.     In this Act—

“**assessor**” means a person appointed pursuant to section 11 for the purposes of revision of the jurors’ list;

“**Court**” means the Supreme Court;

“**current list**” means the current list prepared by or on behalf of the Supervisor of Elections pursuant to the Representation of the People Act, Chapter 286A;

“**Judge**” means Judge of the Supreme Court;

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

“**jurors’ register**” means the jurors’ register pursuant to section 13 for the time being in force;

“**jury panel**” means the persons selected as jurors and whose names are included in the jurors’ register for the time being in force;

**“Magistrate”** means a magistrate appointed pursuant to the Magistrates Act, Chapter 177;

**“Minister”** means the Minister with responsibility for legal affairs;

**“Registrar”** means the Registrar of the Supreme Court;

**“school”** means any primary or secondary school whether government-owned, government-assisted or privately owned.

### **Application**

3. (1) This Act shall apply to every jury serving in the Court whether or not comprising alternate jurors.

(2) This Act shall not apply to any jury on a Coroners’ inquest, unless an enactment relating to jurors on Coroners’ inquests expressly provides for the application of any provision under this Act.

### **Qualification**

4. Subject to section 5, every person who—

- (a) is of an age not less than twenty-one years but not exceeding sixty-five years;
- (b) is a citizen of and residing in Grenada; and
- (c) owns real property in Grenada with a minimum value of two thousand dollars or is in receipt of a salary or source of income of not less than two hundred dollars per annum,

is qualified and liable to serve as a juror.

## **PART II EXEMPTIONS AND DISQUALIFICATIONS**

### **Exemptions**

5. The following persons are exempt from serving as jurors—

- (a) Members of the Cabinet, Members of Parliament, and all persons who have served in the Parliament for an aggregate term of six years;
- (b) public officers in any office specified in the First Schedule;
- (c) ministers of religion;
- (d) principals of schools;



- (e) attorneys-at-law;
- (f) legal clerks in actual practice;
- (g) medical practitioners registered pursuant to the Health Practitioner's Act, Chapter 132A;
- (h) pilots.

### **Disqualification**

6. The following persons are disqualified from serving as jurors—

- (a) a person who is unable to speak, read and write English;
- (b) a person who has a physical or mental condition which impairs the person's capacity or ability to conveniently and fully discharge the duties of a juror, including a state of being deaf, mute, blind or of unsound mind;
- (c) a person who has been convicted of any offence with a maximum penalty of imprisonment for a term of three years or more and has not received a free pardon in respect of the conviction;
- (d) a person who has been convicted of any offence which, in the opinion of the Registrar in the revision of the list, or of the Judge in Chambers on an appeal, renders the person unfit for service as a juror.

### **Disqualification or exemption to be claimed**

7. No person named in the Jurors' Register shall be excused from attendance on the ground of any disqualification or exemption, other than illness, unless he or she claims the disqualification or exemption before the revision of the list.

## **PART III JURORS' REGISTER**

### **Jurors' lists**

8. (1) On or before the first day of August in every year, the Registrar shall cause to be generated from the current list a jurors' list comprising all persons qualified under section 4 and the jurors' list shall include—

- (a) the name;
- (b) the address;

- (c) the occupation; and
- (d) the nature of the qualification,

of every person named therein.

(2) The Registrar shall, based on information received, or of his or her own knowledge, information and belief, add to the jurors' list received pursuant to subsection (1), the name of any person who in the opinion of the Registrar is qualified and liable to serve as a juror.

#### **Publication of jurors' list**

9. (1) The Registrar shall cause the jurors' list to be published in the *Gazette* and a copy thereof to be—

- (a) affixed upon the principal door of the Court House;
- (b) affixed upon the principal door of every police station; and
- (c) delivered to each assessor for the revision of the jurors' list.

(2) There shall be attached to the jurors' list as published in the *Gazette*, and to every copy, a notice stating that all objections to the jurors' list will be heard by the Registrar at a specified time and place.

(3) The revision of the jurors' list shall be conducted within the first fourteen days of September in every year.

#### **Revision of jurors' list**

10. (1) On the day appointed for the revision of the list, the Registrar sitting with at least two assessors shall examine the list and shall receive and hear any objections made by any person with respect to any person named on the jurors' list.

(2) For the purpose of assessing the suitability of persons to serve as jurors, the Registrar may call upon the assessors for advice and assistance as is necessary, and the Registrar may for stated reasons depart from the advice of the assessors.

(3) The Registrar may summon any person named in the jurors' list to appear before the Registrar and the assessors, for examination as the Registrar and assessors consider appropriate.

(4) A summons under subsection (3) shall be served personally.

(5) A person named in the jurors' list may make a claim supported by evidence that he or she is or is not liable to serve as a juror, and the burden of proof shall lie on the person.

- (6) A claim under subsection (5) may be made—
- (a) orally by appearing at the revision personally, or through counsel, and adducing evidence to show that the person is or is not liable to serve as a juror; or
  - (b) in writing by giving to the Registrar written notice containing the particulars of the claim and supporting the claim with evidence, as the Registrar may consider necessary, to show that the person is or is not liable to serve as a juror.
- (7) The Registrar and assessors shall inquire into the claim made orally or in writing as far as reasonable.
- (8) The Registrar shall strike out the name of a person from the jurors' list where—
- (a) the Registrar by his or her knowledge reasonable believes that the person is dead;
  - (b) upon the evidence on oath of a person objecting, or other proof, or upon his or her knowledge, the Registrar determines that the person is not liable to serve as a juror;
  - (c) the person proves upon evidence on oath or other proof that he or she is not liable to serve as a juror; or
  - (d) for good reason, the Registrar determines that the person should not be liable to serve as a juror.
- (9) The Registrar shall insert in the jurors' list the name of any person improperly omitted therefrom and correct errors and omissions made in respect of the name, the address, the occupation, or the nature of the qualification of a person included in the jurors' list.
- (10) No person's name shall be inserted in the jurors' list unless—
- (a) the person has made an application requesting that his or her name be inserted in the jurors' list; or
  - (b) the person receives from the Registrar a notice requiring him or her to show cause why his or her name should not be inserted in the jurors' list.
- (11) Upon completing the revision of the jurors' list, the Registrar shall certify in writing upon a fair copy of the jurors' list as revised that he or she

has examined the revised jurors' list in the presence of at least two named assessors and that the revised jurors' list is, to the best of his or her knowledge and belief, a true and proper list of the jurors.

### **Assessors**

11. (1) The assessors shall be appointed by the Governor-General for a period not exceeding three years and the appointments shall be made in a manner that the terms of service of assessors do not expire at the same time.

(2) There shall be five assessors as follows—

- (a) one representative from the office of the Director of Public Prosecutions;
- (b) two persons with broad experience of the Grenada society, after consultation with the civil society;
- (c) one representative from the Grenada Bar Association; and
- (d) one representative from the Royal Grenada Police Force of a rank not below Inspector.

(3) An assessor is eligible for re-appointment at the expiration of his or her term of service as an assessor.

### **Appeals**

12. (1) A person who makes an objection under section 10 and is dissatisfied with the decision of the Registrar may, within five days after pronouncement of the decision, give written notice of his or her intention to appeal against the decision to a Judge in Chambers.

(2) Where the Registrar receives a written notice of intention to appeal pursuant to subsection (1), the Registrar shall transmit to the Judge a note of the proceedings on the hearing and determination of the objection.

(3) The Judge shall hear the appeal in a summary manner, and shall make such order in respect thereof as may be just.

(4) The Registrar shall publish in the *Gazette* every alteration and correction made to the revised jurors' list in consequence of an appeal under this section.

### **Jurors' Register**

13. (1) Immediately after the final revision, the Registrar shall cause the jurors' list as revised pursuant to sections 10 and 12 to be fairly and truly copied in alphabetical order, in a register to be called "The Jurors' Register".

(2) The Jurors' Register shall be taken to be a true record of all persons qualified and liable to serve on juries for the relevant year from 1st January to 31st December, subject to subsection (3).

(3) Each Jurors' Register shall remain in force until the next Jurors' Register has been made up.

## **PART IV SUMMONING OF JURORS**

### **Selection of jurors and service of summons**

14. (1) At a convenient time before any sitting of the Court at which a jury is required, the Registrar shall select not less than thirty persons to serve as jurors.

(2) The persons to serve as jurors shall be selected at random from the names in the Jurors' Register using counters in a ballot box or database.

(3) Subject to subsection (4), the persons selected pursuant to subsection (2) shall be summoned to serve on a jury panel.

(4) The Registrar shall not summon—

(a) a person who is known and believed by the Registrar to be temporarily absent from the jurisdiction and not likely to return in time to attend the sitting of the Court; or

(b) a person selected at random from the Jurors' Register who has, within two years prior to the present selection, been selected and summoned to serve on a jury panel.

(5) Every summons to be served on a juror shall be signed by the Registrar and served by the summoning officer of the Court not less than fourteen days before the day appointed for the sitting of the Court, and service shall be effected—

(a) by delivering to the person to be summoned; or

(b) by leaving for the person at his or her last or most usual place of abode or place of business.

(6) Where a summons has been served on a person who does not qualify under section 5 to serve as a juror, the person shall, before the sitting of the Court, declare to the Registrar that he or she does not qualify under section 5 to serve as a juror.

(7) The summoning officer shall make a true return of the service, and shall attend at the sitting of the Court, and if necessary, verify the service on oath.

(8) All summoning officers shall be appointed by the Registrar.

(9) The Registrar may appoint temporary summoning officers from time to time for a period not exceeding two months.

**Place of business of juror**

15. (1) The Registrar shall not summon more than one person from one place of business to serve as jurors at the same sitting.

(2) Upon notification by an employer or a juror that more than one juror summoned to attend the same sitting are employees of the same employer, the Registrar shall discharge every additional juror and any juror so discharged shall be summoned for the next sitting when a jury is required.

(3) An employer of a person who is serving, has served or is qualified to serve, as a juror shall not—

- (a) require the person to pay the employer, or any other person, any fees payable to him or her as a juror under this Act;
- (b) deduct any sum from the remuneration of the person;
- (c) require as a term or condition of employment that a sum be deducted from the remuneration of that person; or
- (d) directly or indirectly penalise that person in any way including—
  - (i) in relation to access to opportunities for promotion, transfer, training or any other benefits, facilities or services; or
  - (iii) dismissing or threatening to dismiss the person or subjecting or threatening to subject the person to any other detriment,

on account of the fact that the person is serving, has served or is qualified to serve, as a juror.

(4) An employer who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

### **Presumption of regularity of jury panel**

16. (1) Unless challenged and set aside, the jury panel shall be deemed to be correctly selected and to be regular and lawful in every respect.

(2) All persons selected pursuant to section 14 shall be the jurors to serve for the trial of all issues at the sitting of the Court to which they are summoned.

(3) If no objection is made on behalf of any of the parties to the proceeding, it may be tried with the same jury which has tried or been drawn to try any other proceeding.

## **PART V EMPANELLING A JURY**

### **Calling jury**

17. At the sitting of the Court, the names of the jurors on the jury panel shall be written on separate cards as nearly as may be of equal size and put into a ballot box, and upon the trial of any proceeding the Registrar shall in open Court draw therefrom until such number of persons appear as are required, who after all just causes of challenge allowed shall remain as fair and indifferent, and the same shall be done whenever it is necessary to form a new jury.

### **Names of jurors sworn and unsworn to be kept apart**

18. (1) The cards containing the names of the jurors sworn on a jury shall be kept apart until the jury is discharged and shall then be returned into the box.

(2) If any proceeding is brought for trial before the jury in any previous proceeding has brought in its verdict, the Court may order another jury to be sworn from the names remaining in the box.

### **Alternate jurors**

19. (1) The Court may direct that not more than six jurors in addition to the regular jury shall be called and empanelled to sit as alternate jurors.

(2) Alternate jurors shall, in the order in which they are called, replace any jurors on the regular jury who, prior to the time it retires to consider its verdict, have become or been found to be unable to perform their duties or disqualified therefrom.

(3) An alternate juror who does not replace a juror on the regular jury shall be discharged after the jury retires to consider its verdict.

(4) Alternate jurors shall—

(a) be drawn in the same manner;

- (b) have the same qualifications;
- (c) take the same oath; and
- (d) have the same functions, powers, facilities and privileges,

as the other jurors under this Act.

## **PART VI**

### **NUMBER, CHALLENGES, COUNTING AND SWEARING IN OF JURY**

#### **Number of jury**

20. The jury for every trial shall consist of nine jurors, except for trials on a capital charge or a charge for non-capital murder for which the jury shall consist of twelve jurors.

#### **Peremptory challenges**

21. Whenever a jury is, or alternate jurors are, being empanelled for the trial of a person charged with a criminal offence—

- (a) the accused person may peremptorily and without cause challenge any number of jurors not exceeding four;
- (b) the prosecutor may peremptorily and without cause challenge any number of jurors not exceeding four in respect of each accused person but not exceeding eight jurors in all.

#### **Challenges for cause**

22. (1) The prosecutor and every accused person shall be entitled to any number of challenges on any of the following grounds—

- (a) that a juror's name does not appear in the Jurors' Register;
- (b) that a juror is not impartial between the Crown and the accused;
- (c) that a juror has been convicted of any offence for which he or she was sentenced to death or to a term of imprisonment exceeding one year;
- (d) that a juror is not a citizen of Grenada under the law in force for the time being;
- (e) that a juror is of an age less than twenty-one years or exceeding sixty-five years;



- (f) that a juror is disqualified by virtue of paragraph (a) or (b) of section 6; or
- (g) that a juror was returned to serve within two years from being selected and summoned to serve on a previous jury panel.

(2) A misnomer or misdescription of a juror's name in the Jurors' Register shall not qualify under subsection (1) (a) if the Court is satisfied that the description in the Jurors' Register sufficiently designates the person to which it refers.

(3) The disqualification or want of qualification of a juror shall not be brought into question after the juror has been sworn and no verdict shall be impeached by reason of the disqualification or want of qualification of a juror who may have concurred in it.

(4) Every challenge shall be tried by the Judge and his or her decision shall be final.

#### **Counting and swearing of jurors**

23. (1) After the jurors for the jury panel are selected, each juror shall be counted in the box by the Registrar, who shall then swear each juror with the oath in the Oaths Act, Chapter 219.

(2) Where a juror refuses, or is unwilling from alleged conscientious motives, to be sworn, the Judge may allow the juror to make an affirmation, if the Judge is satisfied of the sincerity of the juror's objection.

(3) An affirmation under subsection (2) shall have the same force and effect as an oath in the usual form and, if untrue, the person making the affirmation shall be liable to the same penalties as are provided against persons guilty of perjury.

(4) Whenever in any legal or other proceedings it is necessary or usual to state that jurors have been sworn, it shall be sufficient to state that the jurors have been sworn whether or not any particular juror has made an affirmation instead of an oath.

(5) After the jurors have been sworn, the jurors shall by a majority vote elect one of their members to be their foreman.

(6) The foreman shall preside at the meetings for consideration of the verdict and request any information from the Court on the behalf of the entire jury or any juror.

## **Verdict**

24. (1) A verdict of a jury shall not in any proceedings be accepted within two hours after the conclusion of the summing up, unless the verdict is the verdict of all the jurors.

(2) Subject to subsections (3) and (4), after the expiration of two hours from the conclusion of the summing up, the Court may receive the verdict of seven jurors as the verdict of the jury.

(3) In every proceeding in which the accused is arraigned on a charge for murder, after the expiration of two hours from the conclusion of the summing up, the Court may receive the verdict of ten jurors as the verdict of the jury, if they return a verdict convicting the accused of any offence less than murder of which they are entitled by law to convict him or her.

(4) In every proceeding in which the accused is arraigned on a capital charge or a charge for non-capital murder, the verdict shall be the verdict of all the jurors.

(5) The foreman, in delivering the verdict, shall declare to the Court in the presence of the jury that jurors of the required number have agreed and all verdicts given by the majorities pursuant to subsections (2) and (3) shall have the same force and effect as if the whole of the jury had concurred therein.

(6) The taking of the verdict of the jury, or other proceeding of the Court, shall not be invalid by reason of its happening on Sunday.

## **Discharge of jury owing to disagreement**

25. If after the expiration of three hours from the conclusion of the summing up, the members of the jury are not agreed and state that they are not likely to agree, the Court may discharge them and—

(a) cause another jury to be summoned at the same session;  
or

(b) adjourn the proceeding to a future session,

and no member constituting the first jury shall be eligible to serve on the re-trial.

## **Communication with jury while in retirement**

26. (1) Where the jury retires to consider the verdict, no person, other than the officer of the Court who has charge of the jury, shall without the leave of the Court communicate in any way with any member of the jury.

(2) Where a person contravenes subsection (1) and the Court discovers the contravening conduct before the verdict of the jury is returned, the Court may—

- (a) if the Court opines that the contravening conduct has produced substantial mischief, discharge the jury and direct a new jury to be sworn or empanelled during the sittings; or
- (b) postpone the trial on such terms as justice may require.

(3) If the Court complies with subsection (2), contravention of subsection (1) shall not affect the validity of the proceedings.

### **Discharge of jury in certain special cases**

27. (1) In the case of any emergency or casualty rendering it expedient for the ends of justice, the Court may discharge the jury without the jury giving a verdict and—

- (a) direct a new jury to be empanelled during the sittings; or
- (b) postpone the trial on such terms as justice may require.

(2) If the Judge becomes incapable of trying the proceeding or directing the jury to be discharged, the Registrar shall discharge the jury.

(3) If the Court determines that any member of the jury has become incapable of continuing to perform his or her duty before the jury retires to consider the verdict, the Court may—

- (a) discharge the jury and direct a new jury to be empanelled during the sittings; or
- (b) postpone the trial; or
- (c) with the consent of all the parties, proceed with the remaining members of the jury and take their verdict, which shall have the same effect as the verdict of the whole number.

### **Adjournment of trial**

28. (1) Subject to the Court's power to adjourn a trial, every trial shall proceed continuously from commencement until the discharge of the jury.

(2) Upon every adjournment, the Court may direct that the jury shall be kept together and that proper provision shall be made to prevent the jury from communicating with any person on the subject of the trial.

### **Jurors' fees and allowances**

29. (1) Every juror shall receive from the Registrar out of funds advanced to him or her by the Accountant General, the sum specified in the Second Schedule for each day or part thereof that he or she is required to attend, and does attend, a session.

(2) Without prejudice to subsection (1), every juror shall receive a subsistence allowance in the sum specified in the Second Schedule for each day or part thereof that he or she is required to attend, and does attend, a session.

(3) Without prejudice to subsections (1) and (2), every juror who resides outside of the parish of Saint George shall receive a travel allowance, as may be determined by the Registrar, in a sum within the range specified in the Second Schedule for each day or part thereof that he or she is required to attend, and does attend, a session.

(4) No juror shall receive any subsistence allowance or travel allowance provided for in subsections (2) and (3) while he or she is required to serve, and does serve, on the trial of any person where the Judge has directed that the jury shall be kept together.

### **Refreshment of jurors**

30. The Judge may make such order as he or she thinks proper for the accommodation, custody, and refreshment of the jurors who have been sworn, and the costs attendant upon the making of any such order shall be defrayed from the Treasury.

## **PART VII OFFENCES AND FINES**

### **Non-attendance**

31. Where a person, having been duly summoned to serve as a juror—

- (a) does not attend in obedience to the summons at the first sitting of the Court and at every adjournment thereof upon being openly called in Court;
- (b) does not answer upon being openly called in Court; or
- (c) departs from the Court during its sitting without leave of the Judge and without reasonable excuse,

the Court may impose on him or her a fine not exceeding five hundred dollars.

**Refusal to serve**

32. Where a person having been duly summoned to serve as a juror—

- (a) refuses to serve when required by the Court to do so; or
- (b) having been duly sworn, without leave departs from the Court before he or she is properly discharged,

the Court may impose on him or her a fine not exceeding one thousand dollars.

**Corrupt influence**

33. A juror who yields to any corrupt influence or is involved in an improper behaviour in connection with the performance of his or her functions as a juror commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment of a term not exceeding three years, or both.

**Other offences**

34. A person who—

- (a) makes an entry in the Jurors' Register, knowing or having reasonable cause to believe it to be false, or which he or she does not believe to be true;
- (b) having been summoned to serve as juror, makes, or causes or permits to be made on his or her behalf, any false representation with the intention of evading jury service;
- (c) makes or causes to be made on behalf of another person who has been summoned to serve as a juror, any false representation with the intention of enabling that other person to evade jury service;
- (d) knowing that he or she is not liable to serve as a juror, serves on a jury panel;
- (e) corruptly influences or attempts to corruptly influence a juror in the performance of his or her functions as a juror in a proceeding before the Court; or
- (f) corruptly interferes with a proceeding before the Court;

commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three years, or to both.

### **Remission of fine**

35. The Judge may remit or reduce a fine imposed pursuant to section 31 or 32—

- (a) during the sitting of the Court, upon sufficient cause shown in open Court; or
- (b) within five days after the close of the sitting of the Court, upon sufficient cause shown by affidavit.

### **Recovery of fine**

36. (1) Where a juror on whom a fine is imposed under section 31 or 32 refuses or neglects to pay it to the Registrar, the Judge may, by order signed by the Registrar, cause the fine and the costs of its recovery to be levied by distress and sale of the goods of the person fined.

(2) A balance which remains after payment of the fine and deduction of any reasonable costs incurred for recovery thereof shall be rendered to the person whose goods have been sold.

(3) Where there are insufficient goods for recovery of a fine, and the reasonable costs incurred for recovery thereof, in accordance with subsection (1), the Judge may, by order, cause the juror to be committed to prison for a period not exceeding three months.

## **PART VIII MISCELLANEOUS**

### **View**

37. The Judge may direct the jury empanelled to try the proceeding to have a view of any place, thing, or person connected with any issue in the proceeding, if the Judge determines that it will be in the interests of justice and in such manner and upon such conditions as he or she may think proper.

### **Release of jurors from attendance**

38. The Court may at any time discharge a person summoned as a juror from further attendance on the Court, or excuse him or her from attendance at any sitting or for any period during a sitting.

### **Abolition of juries in civil proceedings**

39. (1) There shall be no trial by jury in civil proceedings.

(2) Subject to subsection (1) and so far as the provisions of this or any other Act do not extend, the practice and procedure relating to juries for the time being in force in England shall, so far as they are applicable to the circumstances of Grenada, regulate the practice and procedure relating to juries.

**Power to amend schedules**

40. (1) Subject to subsection (2), the Minister may by Order amend any schedule to this Act.

(2) Notwithstanding subsection (1), the Minister may by Order, subject to negative resolution of Parliament, amend the Second Schedule.

**Repeal and Transitional Provisions**

41. (1) The Jury Act, Chapter 156 is hereby repealed.

(2) A jury panel existing prior to the commencement of this Act shall, after the commencement of this Act, continue to be lawfully constituted and regulated under the enactment by which it was constituted until the jury panel has discharged all of the functions for which it was empanelled or has been discharged by the Court.

**First Schedule**

Public Offices Exempt from Jury Service  
section 5

- (i) Permanent Secretary to any ministry of Government
- (ii) Chief Personnel Officer of the Public Service Commission
- (iii) Director of Audit
- (iv) Director of Public Prosecutions
- (v) Magistrate and staff of the Magistrate’s Court
- (vi) Member of the Integrity Commission
- (vii) Member of the Royal Grenada Police Force
- (viii) Personal Assistant to the Governor-General
- (ix) Registrar of the Supreme Court and staff of the Supreme Court
- (x) Secretary to the Cabinet
- (xi) Supervisor of Elections

**Second Schedule**

Jurors’ Fees and Allowances  
section 29

- (i) Fees \$10.00
- (ii) Subsistence Allowance \$25.00
- (ii) Travel Allowance not less than \$5.00 but not exceeding \$15.00

Passed by the House of Representatives this        day of        , 2015.

.....  
**Clerk to the House of Representatives**

Passed by the Senate this        day of        , 2015.

.....  
**Clerk to the Senate**