



TRINIDAD AND TOBAGO

No. 21—1960

[L.S.]

I ASSENT,

SOLOMON HOCHOY

*Governor.*

29th July, 1960.

AN ORDINANCE to amend the Jury Ordinance, Ch. 4. No. 2.

**[On Proclamation]**

Commence-  
ment.

ENACTED by the Governor of Trinidad and Tobago with the Enactment.  
advice and consent of the Legislative Council thereof.

1. (1) This Ordinance may be cited as the Jury (Amendment) Short title  
and commence-  
ment.  
Ordinance, 1960, and shall be read as one with the Jury  
Ordinance, hereinafter referred to as the Principal Ordinance. Ch. 4. No. 2.

(2) This Ordinance shall come into operation on such day  
as the Governor by proclamation published in the *Royal  
Gazette* may appoint.

Section 2 of  
Principal  
Ordinance  
amended.

2. Section 2 of the Principal Ordinance is hereby amended by inserting immediately after the definition of "Reviser" the following new definition :

" "Territory" means the Colony of Trinidad and Tobago; "

Section 3 of  
Principal Ordinance  
amended.

3. Section 3 of the Principal Ordinance is hereby amended by deleting the word "male" occurring in the first line thereof.

Sections 4 and  
5 of Principal  
Ordinance  
repealed and  
replaced.

4. Sections 4 and 5 of the Principal Ordinance are hereby repealed and replaced by the following:—

"Qualifica-  
tions as a  
juror.

4. Every person shall be qualified to be a juror who—

(a) is over the age of twenty-one years and under the age of sixty years;

(b) is ordinarily resident in the Territory;

(c) was born in allegiance to Her Majesty, or, not being so born, has resided in the Territory for two years or more;

(d) is able to read and write the English language and understand the same when spoken; and

(e) is either—

(i) seised or possessed of freehold or leasehold interest in land of the clear annual value of four hundred and eighty dollars; or

(ii) in occupation of a house which is rated or assessed to some general or local tax on an annual value of not less than three hundred dollars; or

(iii) in receipt beneficially of a net annual income of not less than one thousand four hundred and forty dollars.

Disqualifi-  
cations as a  
juror.

5. Every person shall be disqualified for being a juror who—

(a) has been convicted of any felony or any misdemeanour involving dishonesty in respect of which misdemeanour such person has been duly sentenced to imprisonment;

(b) is of unsound mind, or imbecile, or deaf, or blind or afflicted with any other permanent infirmity of body or mind; or

(c) is a bankrupt, or has entered into a deed of arrangement with his creditors."

5. Section 7 of the Principal Ordinance is hereby amended— Section 7 of  
Principal Ordinance amended

- (a) by substituting the words "Members of the Legislative Council" for the words "Members of the Executive or Legislative Councils";
- (b) by substituting the word "Schoolteachers" for the word "Schoolmasters"; and
- (c) by substituting the words and stop "Such other persons or classes of persons as may from time to time be excepted by the Governor in Council by Order published in the *Royal Gazette*." for the words and stops "Holders of such offices under the Crown as the Governor may from time to time, by writing under the hand of the Chief Secretary, require to be excepted. The Chief Secretary shall keep a register of offices so excepted." occurring therein.

6. Section 8 of the Principal Ordinance is hereby repealed and replaced by the following:— Section 8 of  
Principal Ordinance repealed and replaced.

"Qualifications as a special juror"

8. Any person liable under section 3 of this Ordinance shall be qualified and liable to serve as a special juror who is either—

- (a) seised or possessed of freehold or leasehold interest in land of the clear annual value of six hundred dollars; or
- (b) in occupation of a house which is rated or assessed to some general or local tax of an annual value of not less than four hundred and eighty dollars; or
- (c) in receipt beneficially of a net annual income of not less than two thousand four hundred dollars."

7. Section 9 of the Principal Ordinance is hereby amended by substituting for subsection (3) thereof the following:— Section 9 of  
Principal Ordinance amended

"Form of List"

(3) Such list shall show in respect of each such person the name, place of abode, sex, business or occupation (if any), and the nature of the qualification under paragraph (e) of section 4 of the Ordinance, of each such person. If any such person is qualified to serve as a special juror, the letters S.J. shall be set opposite the name of such person in a separate column. So far as practicable the list shall show the names in full arranged according to the alphabetical order of the surnames, and shall be according to the Form A in the Schedule hereto."

Form A

Section 10 of  
Principal Ordinance amended

8. Section 10 of the Principal Ordinance is hereby amended—

(a) by substituting for subsection (3) thereof the following:—

“Making up  
Jurors Book.

(3) Every such list, when duly corrected, if correction is necessary, shall be signed by the Reviser, who shall cause the same to be delivered to the Marshal on or before the 15th of March, and the Marshal shall cause the name, place of abode, sex, business or occupation, and the nature of the qualifications under paragraph (e) of section 4 of this Ordinance of each juror mentioned in the lists delivered to him to be fairly copied in a Book to be entitled the “Jurors Book.”;” and

(b) by adding immediately after subsection (3) thereof the following subsection to be numbered (4):—

Jurors Book  
to be prepared  
every two  
years.

(4) Every Jurors Book prepared in accordance with subsection (3) of this section shall be brought into use on the 1st day of July next after it is prepared and shall be used for the two years next following and thereafter until another Jurors Book is prepared according to this Ordinance.”

Section 12 of  
Principal Ordinance amended.

9. Section 12 of the Principal Ordinance is hereby amended—

(a) by deleting the figure and symbols “(1)” appearing at the beginning thereof; and

(b) by repealing subsection (2) thereof.

Section 13 of  
Principal Ordinance repealed and replaced.

10. Section 13 of the Principal Ordinance is hereby repealed and replaced by the following:—

“Return of  
precept.

13. (1) Every precept for the return of jurors shall be returned by the Marshal, in the case of Criminal Sessions four days at the least, and in all other cases two days at the least, before the first day of the Sessions.

(2) A panel of jurors shall (except in cases where a special jury is struck) be annexed by the Marshal to every precept returned under subsection (1) of this section and such panel shall contain—

(a) the names of all such jurors arranged in alphabetical order; and

(b) the place of abode, sex, business or occupation and the nature of the qualification under paragraph (a) of section 4 of this Ordinance of every such juror.

(3) Every such panel shall, in the case of Criminal Sessions, contain—

- (a) in Port-of-Spain, the names of not less than seventy-two jurors; and when more than two separate Courts are to be held, the names of not less than one hundred and eight jurors;
- (b) in San Fernando, when one Court is to be held, the names of not less than thirty jurors; and when more than one separate Court is to be held, the names of not less than sixty jurors;
- (c) in Tobago, the names of not less than twenty jurors.

(4) The number of women whose names are contained on any such panel shall be in the same proportion, as nearly as may be, to the number of men whose names are so contained as the total number of women is to the total number of men in the Jurors Book or other list of jurors from which the panel is drawn:

Provided that, wherever possible, the panel shall contain the names of—

- (a) not less than four women where the total number of names is not less than twenty;
- (b) not less than six women where the total number of names is not less than thirty;
- (c) not less than twelve women where the total number of names is not less than sixty;
- (d) not less than fifteen women where the total number of names is not less than seventy-two;
- (e) not less than twenty-one women where the total number of names is not less than one hundred and eight."

11. Section 14 of the Principal Ordinance is hereby amended by substituting for all the stops and words occurring after the word "list" the following :—

Section 14 of  
Principal Ordinance amended.

"containing the christian name and surname, place of abode, sex, business or occupation, and the nature of the qualification under paragraph (e) of section 4 of this Ordinance of each person so summoned and specifying the time, place and mode of service."

New section  
added to  
Principal  
Ordinance

**12.** The Principal Ordinance is hereby amended by inserting immediately after section 14 thereof the following new section to be numbered 14A:—

“Husband and wife not to be summoned at same Jury Sessions. 14A. Notwithstanding any provision contained in this Ordinance to the contrary a husband and his wife shall not both be summoned to serve as jurors at the same Jury Sessions.”

Section 17 of  
Principal Ordinance amended.

**13.** Section 17 of the Principal Ordinance is hereby amended by inserting immediately after subsection (1) thereof the following new subsection to be numbered (1A):—

“(1A.) Notwithstanding anything to the contrary contained in subsection (1) of this section, where under the first proviso to the said subsection the Registrar divides the panel into a number of equal parts, the number of women in each part shall be in the same proportion, as nearly as may be, to the number of men therein as the total number of women on the whole panel is to the total number of men thereon.”

New section  
18A inserted  
in Principal  
Ordinance.

**14.** There shall be inserted in the Principal Ordinance immediately after section 18 thereof the following new section to be numbered 18A:—

“Judge may determine the composition of a Jury and may exempt women from service. 18A. (1) Notwithstanding any provision of this Ordinance to the contrary any Judge before whom any cause is called on for trial may, in his discretion, on an application made by or on behalf of the parties (including in criminal cases the prosecution and the accused) or any of them, or at his own instance, make an order that the jury shall be composed of men only, or may, on an application made by a woman to be exempted from service on a jury in respect of any case by reason of the nature of the evidence likely to be given or of the issues to be tried, grant such exemption.

(2) When a Judge has ordered that a jury shall be composed of men only, any counter drawn out of the box under section 18 of this Ordinance which bears a number prefixed in the list to the name of a woman shall be set aside.”

Section 21 of  
Principal Ordinance amended.

**15.** Section 21 of the Principal Ordinance is hereby amended—

(a) by renumbering the same as 21 (1); and

(b) by adding at the end thereof the following new subsection to be numbered (2):—

“(2) For the avoidance of doubt it is hereby declared that a female juror may be elected or appointed as foreman under subsection (1) of this section.”

**16.** Section 28 of the Principal Ordinance is hereby repealed and replaced by the following:—

“Special Jurors Lists.”

28. (1) The Marshal shall, within ten days after the making up of the Jurors Book, take from it the name of each person qualified to serve as a special juror, and shall cause to be fairly copied out a list containing—

- (a) the name of each such juror in its appropriate alphabetical order; and
- (b) the place of abode, sex, business or occupation, and the nature of the qualification of each such juror.

(2) The Marshal shall cause the list copied out in accordance with the provisions of subsection (1) of this section to be subjoined to the Jurors Book and called the “Special Jurors List” and shall affix to every name in such list its proper number, commencing from the first name and continuing in a regular arithmetical series down to the last name.”

Section 28 of Principal Ordinance repealed and replaced.

**17.** The Principal Ordinance is hereby amended by inserting immediately after section 34 thereof the following new section to be numbered 34A:—

“Construction of expression ‘talesman’.”

34A. For the avoidance of doubt it is hereby declared that any reference to a talesman in sections 33 and 34 of this Ordinance shall be construed as including a reference to a duly qualified female juror named and appointed by the Marshal to make up a full jury in the circumstances contemplated by section 33 of this Ordinance.”

New section inserted in Principal Ordinance.

**18.** Section 38 of the Principal Ordinance is hereby amended—

(a) by substituting a semicolon for the full-stop occurring at the end thereof; and

(b) by adding immediately thereafter the following new paragraphs as paragraphs (c) and (d) thereof:—

“(c) for exempting from attendance as jurors any women who are for medical reasons unfit to attend;

Section 38 of Principal Ordinance amended.

(d) for regulating the procedure to be adopted on any application under section 18A of this Ordinance.”

Schedule to Principal Ordinance repealed and replaced.

19. The Schedule to the Principal Ordinance is hereby repealed and replaced by the following:—

“ SCHEDULE

(Section 9(3))

Jury Ordinance, Ch. 4. No. 2

FORM A

List of Jurors

List returned by A. B., Clerk of the Peace in Port-of-Spain, San Fernando, or Arima, or by C. D., Warden of (as the case may be) of persons qualified to serve as jurors.

Christian and Surname in full	Place of Abode	Sex	Business or Occupation	Nature of qualification under paragraph (e) of section 4	Whether qualified as Special Juror
Caesar, Julius	112, First East Street	Male	Planting Attorney	Seised of freehold situate at Possessed of leasehold situate at Occupation of house situate at Salary not less than \$1,440.00	S.J.
Cicero, Claudia	20, Chacon Street	Female	Writing Clerk		—

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
 A.B., Clerk of the Peace for  
 or  
 C. D., Warden of the County of \_\_\_\_\_

JURY ORDINANCE, CH. 4. No. 2

FORM B

(Section 12(1))

Precept for the summoning of jurors before the Supreme Court.

TRINIDAD AND TOBAGO

ELIZABETH II by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To the Marshal.

GREETING :

We command you that you cause to come before our Supreme Court, at the Court House, in \_\_\_\_\_ on the \_\_\_\_\_ day of the month of \_\_\_\_\_, a competent number of good and lawful persons, qualified according to law to serve as jurors, and have then and there the names of the jurors and this Writ.

Witness : His Lordship \_\_\_\_\_ Our Chief Justice, in  
 and for the said Colony, at Port-of-Spain, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

T. W. Registrar

JURY ORDINANCE, CH. 4. No. 2

FORM C

(Section 14)

SUMMONS TO JUROR

To \_\_\_\_\_ of \_\_\_\_\_

You are hereby required to be and appear at the Sessions of the Supreme Court to be held at the Court House in \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ o'clock in the forenoon, there to serve as a juror and not to depart thence without leave of the said Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

A. B., Marshal,  
or C. D., Magistrate  
(or Warden)

(N.B. : Here is to be inserted the text of any rule made under section 38 of the Jury Ordinance which relates to the exemption of women jurors from attendance.)

JURY ORDINANCE, CH. 4. No. 2

FORM D

(Section 9(2) (d))

RETURN BY EMPLOYER

To \_\_\_\_\_ of \_\_\_\_\_

You are hereby required to deliver to me on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, a return on the form endorsed hereon (or enclosed herewith) of your own name if you are qualified to serve as a juror and the names of all persons in your employment who are qualified to serve as jurors. The qualifications for a juror are set out below.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_, Warden,  
or Clerk of the Peace

## QUALIFICATIONS FOR A JUROR

*(Insert below the provisions of sections 4, 5 and 8 of the Ordinance)*

(ENDORSEMENT)

*Return by Employer*

Christian and Surname in full	Place of Abode	Sex	Business or Occupation	Nature of qualification under paragraph (e) of section 4	Whether qualified as Special Juror

Minor and consequential amendments.

20. The amendments specified in the second column of the Schedule to this Ordinance which relate to consequential or minor matters shall respectively be made in the sections of the Principal Ordinance specified in the first column of the said Schedule.

## SCHEDULE

<i>Section</i>	<i>Amendment</i>
15 (2) and 23	The word "Territory" shall be substituted for the word "Colony" wherever the latter word occurs.
19 and 27 marginal notes to sections 24 and 25.	The word "jurors" shall be substituted for the word "jurymen", wherever the latter word occurs.
33	The word "persons" shall be substituted for the word "men" wherever the latter word occurs.

Passed in Council this twenty-fourth day of June, in the year of Our Lord one thousand nine hundred and sixty.

G. R. LATOUR  
*Clerk of the Council.*