

First Session Fifth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 10 of 1996

[L.S.]

AN ACT to amend the Jury Act, Chap. 6:53

[Assented to 16th May, 1996]

ENACTED by the Parliament of Trinidad and Tobago as ^{Enactment}
follows:—

1. This Act may be cited as the Jury (Amendment) ^{Short title}
Act, 1996.

2. In this Act "the Act" means the Jury Act.

Interpretation
Chap. 6:53

Section 2 amended

3. Section 2 of the Act is amended—

(a) by renumbering the section as section 2(1), and—

(i) by inserting in the appropriate alphabetical sequence the following new definitions:

“ “alternate juror” means a juror called and empanelled to sit in a criminal trial under section 21A;

“special sitting” includes any special sitting required by warrant of the President to be held under section 75 of the Supreme Court of Judicature Act;”;

(ii) by deleting paragraph (a) of the definition of “Jury Sessions” and substituting the following:

“(a) any Criminal Sessions including any special sittings;”;

(b) by adding the following subsection:

“ (2) In this Act a reference to jury except where the context otherwise requires, includes a reference to a jury comprising in whole or in part alternate jurors.”.

4. Section 15(3) of the Act is amended by adding the Section 15 amended following new paragraphs:

- “(d) in any place not referred to in paragraphs (a), (b) or (c), designated under section 74 of the Supreme Court of Judicature Act, the names of not less than twenty-five persons;
- (e) at a special sitting, the names of not less than seventy-five persons.”

5. Section 18(4) of the Act is amended by Section 18 amended deleting the words “and San Fernando” and substituting “, San Fernando and any other place referred to in section 15(3)(d), and at any special sitting”.

6. The Act is amended by inserting after section 21 New section 21A inserted the following new section:

“Alternate jurors

21A. (1) The Court may direct that not more than six jurors in addition to the common jury be called and empanelled to sit as alternate jurors.

(2) Without prejudice to section 19(3) alternate jurors, in the order in which they are called, shall replace jurors who prior to the time the jury retires to consider its verdict become or are found to be unable or disqualified to perform their duties.

(3) Alternate jurors shall be drawn in the same manner, having the same qualifications, take the same oath, and have the same functions, powers, facilities and privileges as the common jurors.

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

(5) In relation to alternate jurors, the prosecution and the accused in addition to the challenges permitted under section 23 shall be entitled as follows:

- (a) where one person is indicted, each shall be entitled to one peremptory challenge; and
- (b) where two or more persons are jointly indicted—
 - (i) each shall be entitled to not more than one peremptory challenge; and
 - (ii) the prosecutor shall be entitled to one peremptory challenge in respect of each person charged.”.

Section 23 repealed
and substituted

7. Section 23 of the Act is repealed and the following sections substituted:

“Peremptory
challenges

23. Wherever a jury is being empanelled—

- (a) every person charged may peremptorily and without assigning cause challenge up to three jurors; and
- (b) the prosecutor may peremptorily and without assigning cause challenge up to three jurors in respect of each person charged.

Challenge for
cause

23A. (1) The prosecutor and the accused shall be entitled to any number of challenges on any of the following grounds:

- (a) that any juror’s name does not appear in the Jurors Book, save that no misnomer or misdescription in the Jurors Book

shall be a ground of challenge, if it appears to the Court that the description given in the Jurors Book sufficiently designates the person referred to;

- (b) that any juror is not indifferent between the State and the accused;
- (c) that any juror has been convicted of any offence for which he is sentenced to death or to any term of imprisonment with hard labour exceeding one year;
- (d) that any juror is disqualified as an alien;
- (e) that any juror cannot speak, read, write and understand the English language; or
- (f) that any juror was returned to serve as a juryman contrary to the provisions of this Act relating to the summoning of jurors.

(2) No ground of challenge other than those mentioned in subsection (1) shall be allowed.

Trial of
challenge

23B. Every challenge shall be tried by the Judge, and there shall be no appeal from his decision.”.

8. Section 26(3) of the Act is amended by adding Section 26 amended after the words “or his deputy” the following:

“, so however, that where the exigencies of such sufficient cause so require, the Judge may allow such supervised communication with other persons (not relating to the trial)

as he considers fit and proper, and where appropriate the Judge at any time during the trial may require the report on oath of the Marshal thereon.”

Passed in the House of Representatives this 1st day of April, 1996.

J. SAMPSON
Clerk of the House

Passed in the Senate this 7th day of May, 1996.

N. COX
Clerk of the Senate

Senate Amendments agreed to by the House of Representatives this 10th day of May, 1996.

J. SAMPSON
Clerk of the House