

LAWS OF TRINIDAD AND TOBAGO

JURY ACT

CHAPTER 6:53

Act
12 of 1922
Amended by

32 of 1935	175/1961
20 of 1936	12 of 1962
14 of 1939	40/1966
7 of 1941	28 of 1973
16 of 1948	20 of 1975
21 of 1951	6 of 1976
23 of 1954	136/1976
4 of 1957	45 of 1979
114/1957	47 of 1980
21 of 1960	39 of 1985
172/1961	10 of 1996

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LAWS OF TRINIDAD AND TOBAGO

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JURY ACT

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CHAPTER 6:53

JURY ACT

An Act relating to Jurors and Juries.

1950 Ed.
Ch. 4 No. 2.
12 of 1922.

[2ND AUGUST 1922]

Commencement.

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

Short title.

2. (1) In this Act—

Interpretation.
[21 of 1960
175/1961
20 of 1975
10 of 1996].

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

“Board of Inland Revenue” means the Board of Inland Revenue established by section 3 of the Income Tax Act;

Ch. 75:01.

“Chief Election Officer” has the same meaning as in section 2 of the Representation of the People Act;

Ch. 2:01.

“income” includes any profits, allowances, emoluments, or advantages capable of being estimated in money;

“Jury Sessions” includes—

(a) any Criminal Sessions including any special sittings; and

(b) any other Jury Sessions appointed by the Supreme Court by general order or otherwise;

“National Insurance Board” means the National Insurance Board established by section 3 of the National Insurance Act;

Ch. 32:01.

“Registration Officer” and “Assistant Registration Officer” have the same meanings as in the Representation of the People Act;

“Registrar” means the Registrar of the Supreme Court;

“Reviser” means the Magistrate appointed under this Act to revise any jury list;

“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;

Ch. 4:01.

“trial” includes any of the following trials or enquiries when made by or with a jury, that is to say:

- (a) any inquest of office;
- (b) the trial of any issue of fact;
- (c) a trial or enquiry for the assessment of damages in any action;
- (d) an enquiry under the provisions of any Act as to compensation or damages in respect of any lands taken, used or injuriously affected.

(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.

Liability to serve.
[21 of 1960
175/1961].

3. Every person qualified by law to be a juror and not disqualified or excepted under this Act shall be placed on the list of jurors and shall be liable to serve as a juror.

Qualifications as a juror.
[21 of 1960
175/1961
28 of 1973
20 of 1975
39 of 1985].

- 4.** (1) Every person shall be qualified to be a juror who—
- (a) is over the age of eighteen years and under the age of sixty years;
 - (b) is ordinarily resident in Trinidad and Tobago;
 - (c) was born in Trinidad and Tobago; or, not being so born, has resided in Trinidad and Tobago 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 seven hundred and twenty 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 six hundred dollars; or

(iii) in receipt beneficially of a net annual income of not less than three thousand dollars.

(2) Notwithstanding subsection (1), a married woman shall be qualified to be a juror if—

- (a) her husband is qualified to be a juror; and
- (b) she possesses the qualifications specified in subsection (1)(a) and (d).

5. Every person shall be disqualified for being a juror who—
- (a) has been convicted of an arrestable offence or any indictable offence not being an arrestable offence involving dishonesty in respect of which indictable offence such person has been 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.

Disqualifications of a juror. [21 of 1960 175/1961 45 of 1979].

6. The name of a person disqualified under section 5 shall not be inserted in any list under section 10 and the Reviser shall exclude from such list the name of any person so disqualified and also the name of any person who, to his knowledge, is of the age of sixty-five years and over; and any Judge of the High Court may at any time, on being satisfied that any person has attained the age of sixty-five years and over, order the name of such person to be removed from the list for the time being and not to be inserted in any subsequent list, and the name of any person so ordered to be removed shall be erased by the Marshal from the Jurors Book for the year and not inserted in any Jurors Book for any subsequent year.

Revision of list. [39 of 1985].

7. The exceptions shall be as follows, that is to say:
- Members of Parliament;
 - The Judges of the Supreme Court;
 - Magistrates and their clerks;

Exceptions. Ords. 7—1941, s.2, 16—1948, s. 2. [21 of 1960 175/1961 12 of 1962 49/1966 20 of 1975].

- Justices of the Peace;
- Ministers of Religion;
- Mayors and Deputy Mayors;
- Consuls and Vice-Consuls;
- Members of the Medical Board in actual practice;
- Licensed Druggists in actual practice as such;
- Persons (other than licensed shopkeepers) registered under
Ch. 29:50. the Medical Board Act;
- Attorneys-at-law in actual practice and their clerks;
- Officers of Courts of Justice;
- Schoolteachers;
- Jailors and persons employed as deputies under them;
- Members of the Defence Force;
- Members of the Police Service and constables;
- Members of the Fire Service;
- Officers and servants of the Post Office or the Customs and
Excise Department;
- Pilots who are licensed under the provisions of section 5 of
Ch. 51:02. the Pilotage Act;
- Members of the air crew of any company, firm or other
organisation operating an airline service under an
agreement with the Government who hold licences issued
by the Director of Civil Aviation.

The spouses of the following persons:

- Judges of the Supreme Court;
- Members of Parliament;
- Mayors and Deputy Mayors;
- Magistrates and their clerks;
- Justices of the Peace;
- Attorneys-at-law and their clerks;
- Officers of the Courts of Justice;
- Members of the Police Service and constables.

Such other persons or classes of persons as may from time to time be excepted by the President by Order.

8. (1) Any person liable under section 3 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 eight hundred and forty 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 seven hundred and twenty dollars; or
- (c) in receipt beneficially of a net annual income of not less than six thousand dollars.

Qualifications as a special juror. [21 of 1960 175/1961 20/1975].

(2) Notwithstanding subsection (1), a married woman who is qualified to serve as a juror under section 4(2), shall be liable to serve as a special juror, if her husband is qualified and liable to serve as such a juror.

9. Every registration officer and every assistant registration officer when making out a registration record card for a person who is entitled to be registered by virtue of section 14(1) of the Representation of the People Act, shall, if that person is qualified to serve as a juror, state in the prescribed manner—

- (a) the nature of the qualification under section 4(1)(e) of that person, and where that person is a married woman who is qualified to serve as a juror under subsection 4(2), the nature of the qualification of her husband under the said section 4(1)(e); and
- (b) whether that person is qualified as a special juror.

Qualification to be stated on registration record card. [20 of 1975]. Ch. 2:01.

10. (1) In the year 1976 and in every alternate year thereafter, the Chief Election Officer shall cause each Registration Officer to make a list of the names of all persons residing in his registration area who are qualified to serve as jurors.

Preparation of list of jurors. [20 of 1975].

(2) In the exercise of his power under subsection (1) the Chief Election Officer is authorised and required—

- (a) to make diligent enquiry as to persons who are qualified to serve as jurors and in particular by

all lawful ways and means to ascertain whether such persons can read and write the English language and understand it when spoken;

- (b) to inspect and make copies of, or extracts from, the House Rate Book of any City or Borough and the assessment rolls of any Ward; and the Chief Executive Officer of every City or Borough and the Revenue Officer for every Ward shall render such assistance and accord such facilities as may be necessary for that purpose;
- (c) to demand and receive—
 - (i) from the Chairman of the Board of Inland Revenue the names and addresses of persons who according to the income tax returns are qualified to serve as jurors; and
 - (ii) from the Chairman of the National Insurance Board the names and addresses of employed persons, as defined in section 2 of the National Insurance Act, who, according to information supplied for the purposes of that Act, are qualified to serve as jurors;
- (d) to serve on any employer, a notice setting out clearly the qualifications of a juror and requiring the employer to make a return on the Form D set out in the Schedule of all persons in his employment who are qualified to serve as jurors;
- (e) to enquire of, or consult with, the Official Receiver in bankruptcy and the Registrar of the Supreme Court, who are required to give the necessary assistance regarding the qualifications or disqualifications of any of the persons whose names it is intended to enter in such list.

Ch. 32:01.

Form D.
Schedule.

(3) The Chairman of the Board of Inland Revenue and the Chairman of the National Insurance Board shall furnish merely names and addresses and shall not in any manner disclose the income of persons who are qualified to serve as jurors.

- (4) An employer who—
- (a) fails to make the return required by subsection (2)(d) within the period specified in the notice; or
 - (b) wilfully makes an incorrect or incomplete return,

is liable on summary conviction to a fine of one thousand dollars.

(5) The lists referred to in subsection (1) shall each be revised by a Magistrate appointed by the President for that purpose.

11. (1) The list referred to in section 10(1) shall show in respect of each person who is qualified to serve as a juror the name, place of abode, sex, business or occupation of the person and the nature of the qualification referred to in section 9(a).

Form of list.
[21 of 1960
175/1961
20 of 1975].

(2) If any person to whom subsection (1) applies is qualified to serve as a special juror, the letters S.J. shall be set opposite the name of that person in a separate column.

(3) Each list shall show as far as practicable the name of the person in full, arranged according to the alphabetical order of the surname, and shall be according to Form A in the Schedule.

Form A.
Schedule.

- 12.** (1) Each list shall be—
- (a) printed in alphabetical order;
 - (b) signed by the Registration Officer who prepared it; and
 - (c) sent not later than the 15th of February in the year in which it was prepared to the Reviser for revision.

List to be sent to
Reviser.
[20 of 1975].

- (2) The Reviser shall cause—
- (a) copies of the lists with a notice mentioning the place and time at which objections to the lists will be heard, to be affixed in such places as he may direct in order to give publicity to the lists; and
 - (b) the lists to be published in the *Gazette* during the month of April in the year in which it was prepared.

Revising of lists.
[21 of 1960
175/1961
20 of 1975].

13. (1) The Reviser shall, during the month of May hear objections to the lists, and revise and settle them accordingly. While he is hearing objections any person may appear before him and object to his name being included in or excluded from the list.

(2) The Reviser shall hear and determine every such objection and for that purpose may examine an objector and his witnesses, if any, on oath. After hearing and determining every such objection, the Reviser shall, where necessary, correct the lists.

Ch. 4:20.

(3) The Reviser shall have the powers given to Magistrates by the Summary Courts Act for enforcing the attendance of witnesses.

(4) As soon as practicable after the Reviser has heard and determined an objection, his decision shall be notified to the objector.

(5) The lists referred to in subsection (1) when duly corrected, if correction is necessary, shall be signed by the Reviser and when so signed shall supersede any existing lists. The Reviser shall cause the lists to be delivered to the Marshal on or before the 15th day of June in the year in which it is prepared. On receipt of the lists the Marshal shall cause them to be appropriately numbered and when so numbered they shall constitute the Jurors Book.

(6) The decision of the Reviser shall be notified to the Chief Election Officer and the Marshal. The Marshal shall make any necessary corrections in the Jurors Book.

(7) The Jurors Book shall be brought into use on the 1st day of July next after it is prepared and shall be used for two years next following, and thereafter until another Jurors Book is prepared in accordance with this Act.

Precept for
return of jurors.
Form B.
[4 of 1957
21 of 1960
175/1961
6 of 1976].

14. For the trial of all causes at the several jury sessions of the High Court one precept for the return of jurors according to the Form B in the Schedule shall be sued out by the Registrar of the Supreme Court to the Marshal so as to leave an interval before the first day of each session of fifteen days at least.

15. (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.

Return of
precept.
[21 of 1960
175/1961
20 of 1975
10 of 1996].

(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) 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 referred to in section 9(a).

(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.
- (d) in any place not referred to in paragraph (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.

Ch. 4:01.

(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; but, 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.

Form and mode of service of jury summons. Form C. [21 of 1960 20 of 1975].

16. (1) Where a person is required to serve as a juror, he shall be served with a summons in accordance with Form C in the Schedule.

(2) Each summons shall be served by the Marshal or his assistants—

- (a) personally on the person or left for him at his usual place of abode or business with some person there residing or employed; and
- (b) at least three days before the first day of the sessions at which he is required to attend.

Husband and wife not to be summoned at same Jury Sessions. [21 of 1960 175/1961].

17. Notwithstanding any provision contained in this Act to the contrary a husband and his wife shall not both be summoned to serve as jurors at the same Jury Sessions.

Limitation of liability to serve. [4 of 1957 114/1957 21 of 1960 175/1961 10 of 1996].

18. (1) No person residing within the Counties of Victoria, St. Patrick, Nariva and Mayaro or within the Wards of Couva and Montserrat in the County of Caroni shall be summoned to serve on a common jury in Port-of-Spain, and no one except persons residing in the Counties of Victoria, St. Patrick, Nariva and Mayaro or in the Wards of Couva and Montserrat in the County of Caroni shall be summoned to serve on a common jury in San Fernando; but this exemption shall not apply to any trial by a special jury.

(2) No one except persons residing in Tobago shall be summoned to serve on a jury in Tobago, nor shall any person residing in Tobago be summoned to serve on a jury outside Tobago.

(3) In making panels of jurors, the Marshal shall not place any juror on the panel a second time, until all the jurors have been placed once on the panel, and the Marshal shall make up the panels so that all jurors shall be summoned equally.

(4) A Judge may exempt or discharge any juror or jurors from service during the whole or any part of a Criminal Sessions provided there remains available in each Court a panel of not less than 30 jurors in respect of Sessions in Port-of-Spain, San Fernando and any other place referred to in section 15(3)(d), and at any special sitting, and of not less than 20 jurors in respect of Sessions in Tobago, and a Judge may exempt from further service for a period not exceeding four years jurors who at any sessions have been engaged in a prolonged or difficult trial.

19. (1) On trials on indictment for murder and treason, twelve jurors shall form the array, and subject to subsection (3) the trial shall proceed before such jurors, and the unanimous verdict of such jurors shall be necessary for the conviction or acquittal of any person so indicted.

Array of jurors—in cases of murder and treason.

(2) The array of jurors for the trial of any case except on indictment for murder or treason, shall be of nine jurors and no more.

In other cases. [6 of 1976].

(3) Where in the course of a criminal trial any 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 for all the purposes of that trial properly constituted, and the trial shall proceed and a verdict may be given accordingly. Where one juror has died or has been discharged as aforesaid the verdict of eleven jurors in a trial for murder or treason, or of eight jurors in a trial for any other offence, shall be deemed to be an unanimous verdict of the jury.

Continuance of trial where one juror dies or becomes incapable.

Preparation of
panel.
[23 of 1954
4 of 1957
114/1957
21 of 1960
175/1961].

20. (1) At the opening of any Jury Sessions, the Registrar shall cause to be written a list in alphabetical order of the names of the jurors appearing on the panel and shall prefix to each name in such list a number commencing from the first name and continuing them in regular arithmetical series down to the last name.

(2) Where at any Criminal Sessions more than one separate Court is being held, the following shall have effect:

- (a) the Registrar may, subject to the direction of the Chief Justice or of a Judge, divide the panel of jurors returned by the Marshal for such Criminal Sessions into such number of equal parts as shall correspond with the number of separate Courts which are being held;
- (b) such division of the panel shall be made before the sitting of the Court and shall be carried out in the following manner:
 - (i) if two separate Courts are being held, the Registrar shall draw, in the presence of a Judge, from a box containing the names of all the jurors appearing on the panel, one by one, half of the names in the box, and the half so drawn shall constitute the panel for the First Court, and the names remaining in the box shall constitute the panel for the Second Court;
 - (ii) if three separate Courts are being held, the Registrar shall draw, in the presence of a Judge, from a box containing the names of all the jurors appearing on the panel, one by one, one-third of the names in the box, and these jurors shall constitute the panel for the First Court; and the Registrar shall thereupon in like manner proceed to draw from the box, and such further one-third shall constitute the panel for the Second Court; and the names remaining in the box shall constitute the panel for the Third Court,

and so on.

However, at any time during any Criminal Sessions, one or more of the jurors on the panel in any Court may by order of the Chief Justice or of the Judge of such Court be transferred to serve in the other Court or in one of the other Courts, as the case may be, and his or their names shall be placed on the panel of jurors for the Court to serve in which he is, or they are, so transferred.

(3) Notwithstanding anything to the contrary contained in subsection (2) where under that 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.

(4) When such list or lists of the jurors names duly numbered is completed, the Registrar shall place in a box for every name included in the panel a counter inscribed on one side only with a number corresponding to the number prefixed to the name in the list; the counters shall consist of disks being all as nearly as may be of uniform size, thickness and colour.

21. (1) When any cause is called on for trial the Registrar or a deputy Marshal shall place before the presiding Judge the list of the panel, retaining a copy for himself and having thoroughly intermixed the counters placed in the box in manner provided by section 20, shall in open Court proceed to draw, one by one, out of the box a number of counters equal to the number required for the jury in the cause and, as each counter is drawn, hand it to the presiding Judge who shall after referring to the list write down the number inscribed on the counter and, opposite to the number, the name in the list to which that number is prefixed and the Registrar or deputy Marshal shall call out the name, and if any of the persons whose names are so drawn and called do not appear, or are challenged or set aside, then any further number and name until there is drawn the number required for the jury in the cause of persons who appear and, after all just causes of challenge allowed, remain as indifferent, and the said number of persons so first drawn and appearing and approved as indifferent, they being sworn, shall be the jury to try the cause, their names and numbers being copied down from the panel by the Registrar or deputy Marshal.

Selection of jury.

(2) The counters corresponding with the names of the persons so drawn and sworn shall be kept apart by themselves until such jury is discharged and then the same counters shall be returned to the box, there to be kept with the other counters remaining at that time undrawn and so *toties quoties* as long as any cause remains to be tried. However, if any cause is brought on before the jury in any other cause have given in their verdict or have been discharged the Court may order the required number of the residue of the said counters remaining in the box (excluding those relating to the jury in such other cause) to be drawn in manner aforesaid for the trial of the cause so brought on: Where no objection is made on behalf of the State or any other party, the Court may try any cause with the same jury that previously tried or was drawn for the trial of any other cause without their counters being returned to the box and redrawn, or may order the counters of any persons on such jury whom both parties consent to withdraw or who may be justly challenged or excused by the Court to be set aside and other counters to be drawn from the box, and may try the issue with the residue of the original jury together with the persons whose counters are so drawn and who appear and are approved as indifferent, and so *toties quoties* as long as any cause remains to be tried.

Alternate jurors.
[10 of 1996].

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.

22. (1) Notwithstanding any provision of this Act 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.

Judge may determine the composition of a Jury and may exempt women from service. [21 of 1960 175/1961].

(2) When a Judge has ordered that a jury shall be composed of men only, any counter drawn out of the box under section 21 which bears a number prefixed in the list to the name of a woman shall be set aside.

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.

Peremptory challenges. [10 of 1996].

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

Challenge for cause. [10 of 1996].

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. [10 of 1996].

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

Oath of jurors. [136/1976 45 of 1979 47 of 1980].

24. Before proceeding to any trial, each juror shall, in open Court, take the oath in the following form:

“I, *A.B.*, do solemnly swear by to try the issue between the State and the prisoner at the bar and a true verdict give according to the evidence”.

Election of foreman. [21 of 1960 175/1961].

25. (1) When the jurors have been duly sworn, the Registrar or his deputy shall request them to elect one of their number to be their foreman, and they shall thereupon proceed to do so. If the 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) For the avoidance of doubt it is hereby declared that a female juror may be elected or appointed as foreman under subsection (1).

26. (1) When the jury have been once sworn to try any cause, the jurors shall not be discharged, except in cases of evident necessity, nor allowed to separate or hold communication with other persons, until they have given in their verdict; but upon the trial of any person for any offence the Judge may, if he thinks fit, at any time before the jury consider their verdict, permit the jury to separate and go at large.

Custody and discharge of the jury: their verdict.
[10 of 1996].

(2) The verdict of the jury, whether on consultation in the jury-box or after the jury have retired and been enclosed, shall be returned by the mouth of the foreman of the jury in the presence of the other jurors. When the jury are not immediately prepared to return their verdict, the Court may direct them to retire and be enclosed.

(3) Whenever the jury have not been allowed to separate or are enclosed, the Judge may, for sufficient cause shown to his satisfaction, allow one or more of the jurors to separate from the other jurors, but not so as to hold communication with other persons and provided that the jurors allowed to separate shall remain in the charge of the Marshal or his deputy, 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.

27. Any jury when not allowed to separate either during any adjournment of the trial or after being charged shall be permitted to receive a reasonable amount of food and drink subject to the approval of the Judge, and when directed by the Judge the same may be provided by the Marshal at the cost of the State.

Refreshments to jury.
[21 of 1960
175/1961].

28. (1) Except in trials for murder or treason, when a jury have been charged and have retired, if at the end of three hours after such retirement the foreman of the jury states to the Judge that seven of the jury are agreed upon a verdict, the verdict of such seven may, at the discretion of the Judge, be received and entered, and if seven are not so agreed, or if the Judge does not think fit to

Verdict of seven jurors.
[21 of 1960
175/1961].

accept the verdict of seven, then the jury may be further directed to retire. However, when the array comprises only eight jurors as contemplated by section 19(3), the verdict of six jurors may, at the discretion of the Judge, be received and entered.

Verdict of six jurors.

(2) In a trial for murder if at the end of three hours after retirement the foreman of the jury states to the Judge that nine of the jury are agreed upon a verdict of manslaughter the verdict of such nine may, at the discretion of the Judge, be received and entered, and if the Judge does not think fit to accept the verdict, the jury may be further directed to retire.

Verdict of manslaughter on charge of murder.

(3) The Judge may, on being satisfied that there is no reasonable probability that the jury will arrive at a verdict, discharge the jury at any time after the expiration of three hours from the moment of their first retirement.

Discharge of jury after 3 hours' retirement.

(4) In cases of evident necessity, such as when a juror is taken ill during any trial, or a prisoner is by illness rendered incapable of remaining at the bar, or for other cause deemed sufficient by the Judge, the Judge may, at any time after the jury have been sworn, discharge the jury.

Discharge of jury during trial.

(5) In any case in this section mentioned where a jury have been discharged the Judge may adjourn the case for trial at the same sessions or at a future sessions, or in the case of a civil trial to such special day as the Judge thinks fit, 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.

Subsequent trial.

29. The High Court may, upon motion made on behalf of the State, or upon the motion of any prosecutor, relator, defendant, or other party, in any case whatsoever triable by or with a jury, or on any penal statute (except indictments for treason or any offence punishable with death) depending in the said Court, order a special jury to be struck before the Marshal, and every jury so struck shall be the jury returned for the trial.

Special juries [6 of 1976].

30. In all cases special juries shall consist of nine jurors to be selected and struck as herein provided, and the verdict may be taken as in the case of a common jury.

Special juries. [21 of 1960 175/1961].

31. The Marshal shall, within ten days of receipt of the list pursuant to section 13(7), take from it the name of each person who is qualified to serve as a special juror, and shall cause to be made 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 referred to in section 9(a).

Marshal to cause list of special jurors to be prepared. [21 of 1960 175/1961 20 of 1975].

32. (1) Whenever the High Court orders a special jury to be struck the Marshal shall appoint a time and place for the nomination of such special jury, and a copy of the order of the Court and of the appointment by the Marshal shall be served by the party obtaining such order on the opposite parties; and the Marshal, at the time and place appointed, if any of the parties attend by themselves or their attorneys-at-law, shall, in the presence of the parties so attending place in a box for every name included in the Special Jurors list, a counter inscribed on one side only with a number corresponding to the number prefixed to the name in such list, the counters consisting of disks, being all as nearly as may be of uniform size, thickness and colour, and having thoroughly inter-mixed the counters in the box shall draw out of the box, one after another, so many counters as amount to quadruple the number required for the jury in the cause, and shall as each counter is drawn refer to its corresponding number in the Special Jurors list and read aloud the name designated by such last mentioned number; and if, at the time of so reading any name, any party or his attorney-at-law objects that the person whose name is read is incapacitated from serving on the said jury, and then and there proves his objection to the satisfaction of the Marshal, such name shall be set aside, and the Marshal shall, instead thereof, draw out of the box another counter and shall in like manner refer to its corresponding number in the said list, and read aloud the name designated thereby, which name may be in like manner set aside, and other counters and names shall in every such case be resorted to, according to the mode of proceeding hereinbefore prescribed, for the purpose of supplying names in the places of those set aside, until the required quadruple number of names not liable to set aside

Preparing panel for special jury.

Quadruple the number required for the jury to be drawn in first instance.

- is completed; and if in any case it happens that the full number cannot be obtained from the Special Jurors list, the Marshal shall fairly and indifferently take from the Jurors Book such a number of other names of jurors as make up the full quadruple number required, all of which names shall in such case be equally deemed to be those of special jurors; and thereupon the parties or their attorneys-at-law in the presence of the Marshal, or the Marshal in lieu of any party failing to attend, shall, in turn, beginning with the plaintiff, strike off one of the said quadruple number until the number of jurymen is reduced to double the number required for the trial; if none of the parties attend, the Marshal shall take the first such double number obtained by drawing as aforesaid. The double number of jurors obtained by either of the processes aforesaid and no others shall be summoned to attend on the day of the trial, and the jury for the trial shall consist of such as first appear on their counters being drawn from the box and their names being called over in Court up to the number required for the jury.
- Then double the number to be drawn.
- Drawing of the jury for the trial.
- No challenge allowed.
- Special jury may be nominated by consent.
- Jury may try several causes.
- Exemption.
- Costs of special jury.
- (2) No challenge shall be allowed in a criminal or any other case.
- (3) The parties in any cause, or their attorneys-at-law, may consent to have a special jury nominated; and upon consent to that effect, signed by each party or his attorney-at-law, being communicated to the Marshal, he is hereby authorised and required to nominate a special jury for the trial of every such cause.
- (4) The same special jury, however nominated, may try any number of causes so as the parties in every such cause or their attorneys-at-law have signified their assent in writing to the nomination of such special jury for the trial of their respective causes.
- (5) The Court may, if it so thinks fit, upon the application of any person who has served upon one or more special juries at any sessions, discharge such person from serving upon any other special jury during the same sessions.
- 33.** The party who applies for a special jury shall, in the first instance, pay the fees for striking such jury and all expenses occasioned by the trial of the cause by the same, but such fees and expenses shall ultimately be borne and paid as the Court directs.

34. Jurors other than jurors summoned on special juries shall be entitled to be paid, in respect of their travelling to and from and attendance at the place to which they are summoned—

Payment of common jurors. [20 of 1975].

- (a) such travelling and subsistence allowances; and
- (b) such compensation for loss of earnings which they would otherwise have made being a loss necessarily suffered by attendance at the place to which they are summoned,

as the President may by Regulations prescribe and subject to any prescribed conditions.

35. No juror who serves upon any special jury shall be allowed or shall take for serving on any such jury more than such sum of money as the Judge who tries the cause thinks just.

Allowance to special jurors.

36. Where a full jury does not appear or where, after appearance of a full jury, by challenge of one of the parties or otherwise, there is likely to be a default of jurors, the Court, upon request made on behalf of the State by any person authorised or assigned by the Court, or on request made by any of the parties or their respective attorneys-at-law, in any trial, whether public or private, shall command the Marshal to name and appoint, as often as need requires, so many of such other able persons then present as will make up a full jury; and the Marshal shall, at such command of the Court, return such persons duly qualified as are present or can be found to serve on such jury, and shall add and annex their names to the former panel; but where a special jury is struck for the trial of any issue, the talesmen shall be such as may be empanelled upon the common jury panel to serve at the same Court, if a sufficient number of such persons can be found; and the State, by any one so authorised or assigned as aforesaid, and all and every the parties aforesaid shall in any of the cases aforesaid have their respective challenges to the jurors so added and annexed; and the Court shall proceed to the trial of every such issue with those jurors who were before empanelled, together with the talesmen so newly added and annexed, as if all the said jurors had been returned upon the precept awarded to try the cause.

Default of jurors. [21 of 1960 175/1961].

Jurors failing to attend or not answering or withdrawing.

37. If any person having been duly summoned to attend on any jury does not attend in pursuance of such summons, or being thrice called does not answer to his name, or if any such person or any talesman, after having been called, is present and does not appear, or after his appearance wilfully withdraws himself from the presence of the Court, the Court shall set a fine upon the person or talesman so making default not exceeding four hundred dollars (unless some reasonable excuse is proved by oath or affidavit) as the Court thinks fit. And the Court may order the person or talesman to be imprisoned without hard labour for thirty days in default of payment of the fine. Whenever any fine is imposed upon any person for non-attendance as a juror or for not answering to his name when called, the order of the Court shall not be enforced until after the expiration of fourteen days, and, in the meantime, the Registrar shall forthwith by letter inform the person of the imposition of the fine, and require him within ten days after the date of the letter, to forward to him an affidavit of the cause, if any, of his non-attendance; and the Registrar shall, upon the receipt of any such affidavit, submit it to the Court, or the Judge who presided at the time when the fine was imposed, and the Court or Judge may remit the fine or any part thereof.

Reference to talesman includes female juror. [21 of 1960 175/1961].

38. For the avoidance of doubt it is hereby declared that any reference to a talesman in sections 36 and 37 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 36.

Indemnity to Marshal.

39. (1) The Marshal is hereby indemnified for empanelling and returning a person named in the Jurors Book, although he may not be qualified or liable to serve on juries; and if the Marshal wilfully empanels and returns a person to serve on a jury, the person's name not being inserted in the Jurors Book for the current year, or if such Book has not been made up, then in the Jurors Book last made up, the Court may, upon examination in a summary way, set a fine not exceeding two thousand dollars upon the Marshal as the Court thinks fit.

Penalty for wrongfully returning juror.

(2) No judgment after verdict shall be stayed or reversed by reason of the neglect or default of any officer to do or perform any of the acts or requirements by this Act required in relation to the preparation of the jury lists, or in the making of the jury panels.

Judgment not to be reversed through defect in jury list or panel.

40. (1) Where, by this Act, any time is limited for the doing of any act or the giving or publishing any notice, list, or other document, or for taking any proceeding, or any time is limited during which any notice, list, book, or other document is to continue in force, such time, either before or after the expiration thereof, may be enlarged by the High Court on the application of the Director of Public Prosecutions or any person concerned.

Power to enlarge time. [136/1976].

(2) An application under this section may be made by motion or in such other way as any Rules of Court made under the provisions of the Supreme Court of Judicature Act may direct, and the Court may make such order with respect to the costs of any such application as it thinks fit.

Ch. 4:01.

(3) Where, in the opinion of the Court, an application under this section is rendered necessary by the wrongful act, default, or omission of any person, the Court may order the person to forfeit and pay to the State any sum not exceeding two thousand dollars by way of fine.

41. The Rules Committee established by the Supreme Court of Judicature Act may make Rules of Court as to all or any of the following matters:

Rules. [21 of 1960 175/1961]. Ch. 4:01.

- (a) for distributing equitably, so far as is practicable, actual service as jurors among the persons liable to such service, and for the selection and preparation of jury panels;
- (b) for exempting from attendance for cause any juror who may have been summoned to attend a jury sessions, and regulating the procedure on application for exemption;
- (c) for exempting from attendance as jurors any women who are for medical reasons unfit to attend;

(d) for regulating the procedure to be adopted on any application under section 22.

Victimisation
for serving as a
juror.
[20 of 1975].

42. (1) An employer shall not—

- (a) dismiss a person in his employment or adversely alter or affect the position of that person by reason of the fact that the person is summoned to serve or has served as a juror;
- (b) with intent to dissuade or prevent a person in his employment from serving as a juror, threaten to dismiss the person or in any other way to alter or affect adversely the position of any such person who is summoned to serve as a juror or who serves or has served as a juror.

(2) An employer who contravenes subsection (1) is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months or to both such fine and imprisonment; and the Magistrate who makes the order for conviction may also order that the person be reimbursed any wages lost by him, and notwithstanding any Rule of Law to the contrary, direct that the person be reinstated in his former position or in a similar position.

(3) In any proceedings for an offence under subsection (2), if all the facts and circumstances constituting the offence other than any specific intent are proved, the defendant may be convicted unless he proves that he did not have the specific intent in question.

SCHEDULE

[Section 11(3)].

FORM A

LIST OF JURORS

Section 11.
[21 of 1960
175/1961
20 of 1975
136/1976].

List returned by A.B. Registration Officer for the registration area of 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 subsection (1) of section 4	Whether qualified as Special Juror
Caesar, Julius	112, First East Street	Male	Agriculturist	Seised of freehold property the annual value of which is not less than eight hundred and forty dollars	S.J.
Caesar, Julia	112, First East Street	Female	Housewife	Husband is seised of freehold property the annual value of which is not less than eight hundred and forty dollars	S.J.
Cicero, Claudia	20, Chacon Street	Female	Clerk	Salary is not less than three thousand dollars per annum	

Dated this day of , 20.....

.....
Registration Officer for the
Registration Area of

FORM B

(Section 14).

THE REPUBLIC OF TRINIDAD AND TOBAGO

PRECEPT FOR THE SUMMONING OF JURORS BEFORE THE HIGH COURT

To the Marshal.

GREETING:

We command you that you cause to come before the High 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 Republic of Trinidad and Tobago at Port-of-Spain, this day of, 20.....

T. W. Registrar

FORM C

(Section 16).

SUMMONS TO JUROR

To of.....

You are hereby required to be and appear at the Sessions of the High 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 without leave of the said Court.

Dated this day of 20.....

A. B., Marshal,
or C. D., Magistrate

(N.B.: Here is to be inserted the text of any rule made under section 41 of the Jury Act which relates to the exemption of women jurors from attendance.)

FORM D

[Section 10(2)(d)].

RETURN BY EMPLOYER

To..... of

You are hereby required to deliver to me on or before the day of, 20....., 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, 20.....

Chief Election Officer

QUALIFICATIONS FOR A JUROR

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

(ENDORSEMENT)

Return by Employer

Christian and Surname in full	Place of Abode	Sex	Business or Occupation	Nature of qualification under section 4(1)(e)	Whether qualified as Special Juror

SUBSIDIARY LEGISLATION

PAYMENT TO COMMON JURORS REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
 2. Interpretation.
 3. Payment to common jurors.
 4. Transportation costs.
 5. Travelling allowances.
 6. Decision of Registrar to be final.
-

PAYMENT TO COMMON JURORS REGULATIONS

G. 3.4.43.
[129/1948
45 of 1979].

made under section 34

1. These Regulations may be cited as the Payment to Common Jurors Regulations. Citation.

2. In these Regulations— Interpretation.
 “common juror” means a juror summoned to appear at a Jury Sessions and eligible to receive payment for his services under the Jury Act, but does not include a juror summoned on a special jury.

“Registrar” means the Registrar of the Supreme Court.

3. Every common juror summoned to appear at a Jury Sessions shall be paid a subsistence allowance of ten dollars for each day he attends the Sessions. Payment to common jurors.

4. A common juror who travels by public transport to and from a Jury Sessions shall be reimbursed such transportation costs necessarily and reasonably incurred in travelling to and from the Sessions. Transportation costs.

5. Every common juror who uses his motor vehicle for the purpose of travelling to or from a Jury Sessions may in the discretion of the Registrar be paid such allowances for the use of his motor vehicle as are ordinarily paid from time to time to public officers under the Travelling Allowances Act and the Regulations made thereunder. Travelling allowances.
Ch. 23:50.

6. Whenever any question arises— Decision of Registrar to be final.
 (1) as to what sums are payable to a common juror under these Regulations;
 (2) as to whether or not any expenses were reasonably or necessarily incurred by any common juror;
 (3) as to any other matter arising out of these Regulations, the decision of the Registrar shall be final.

[Subsidiary]

121/1986.

JURY (EXCEPTION FROM SERVICE) ORDER

made by the President under section 7

Citation.

1. This Order may be cited as the Jury (Exception from Service) Order.

Exceptions.

2. The holders of the following offices in the Auditor General's Department are excepted from service as Jurors by virtue of section 7 of the Jury Act:

Auditor General
Assistant Auditor General
Audit Director
Audit Executive II
Assistant Audit Director
Director, Audit Administrative Services
Audit Executive I
Audit Senior
Audit Training Officer
Audit Supervisor
Audit Manager
Administrative Officer II
Audit Research Officer
Audit Examiner II
Audit Examiner I

123/1986.

**JURY (EXCEPTION FROM SERVICE)
(NO. 2) ORDER**

made by the President under section 7

Citation.

1. This Order may be cited as the Jury (Exception from Service) (No. 2) Order.

Exceptions.

2. The members of staff of the Trinidad and Tobago Forensic Centre are excepted from service as jurors by virtue of section 7 of the Jury Act.

JURY (EXCEPTION FROM SERVICE) ORDER

135/1990.

made by the President under section 7

1. This Order may be cited as the Jury (Exception from Service) Order. Citation.

2. The holders of the following technical posts in the Civil Aviation Division and the Harbour Master's Division, Ministry of Works, Infrastructure and Decentralisation are excepted from service as Jurors by virtue of section 7 of the Jury Act: Exceptions.

- Director of Civil Aviation
- Deputy Director of Civil Aviation
- Assistant Director of Civil Aviation
- Chief Instructor
- Flight Operations/Licensing Officer
- Air Traffic Services Instructor
- Air Traffic Controller IV
- Air Traffic Controller III
- Air Traffic Controller II
- Air Traffic Controller I
- Air Traffic Control Assistant
- Electronics Engineer
- Telecommunications and Electronics Technician III
- Telecommunications and Electronics Technician II
- Telecommunications and Electronics Technician I
- The Harbour Master
- The Assistant Harbour Master
- The Shipping Master
- The Assistant Shipping Master.

[Subsidiary]

156/2002.

JURY (EXCEPTION FROM SERVICE) ORDER

made by the President under section 7

Citation.

1. This Order may be cited as the Jury (Exception from Service) Order.

Exemption.

2. The holders of the following offices in the Parliament are exempted from service as Jurors by virtue of section 7 of the Jury Act:

Clerk of the House

Clerk of the Senate

Hansard Editor

Marshal of the Parliament

Parliamentary CAT Reporter

Parliamentary Clerk II

Parliamentary Clerk I

Verbatim Reporter

Librarian

Research Officer I

Research Assistant I

Library Assistant

Editor of the Official Report

Sub-Editor of the Official Report

Executive Secretary

Clerk Stenographer III (Secretary to the Clerk of the House)

Clerk Stenographer II (Secretary to the Clerk of the Senate)

Parliamentary Attendant

Parliamentary Chauffeur/Attendant

Parliamentary Audio/Visual Officer

Manager, Dining Room Services

Food Service Attendant
