

**ANTIGUA AND BARBUDA**



**THE JURY ACT, 2009**

**No. 6 of 2009**

*[ Printed in the Official Gazette Vol. XXIX No. 13  
dated 19th February, 2009. ]*

Printed at the Government Printing Office, Antigua and Barbuda,  
by Eric T. Bennett, Government Printer  
— By Authority, 2009.

800—2.09

*[ Price\$9.25 ]*



**THE JURY ACT, 2009**

**ARRANGEMENT**

**Sections**

1. Short title.
2. Interpretation.
3. Books, ballot box and counters.

**PART I**

**QUALIFICATION OF JURORS**

4. Qualification of jurors.
5. Exemption.
6. Disqualification.

**PART II**

**JURORS' REGISTER**

7. Jurors' list.
8. Publication of jurors' list.
9. Revision of jurors' list.
10. Jurors' Register.
11. Amendment of jurors' register.

**PART III**

**ARRAYS OF JURORS**

12. Impanelling.
13. Certain jurors not to be impanelled.
14. Mode of impanelling.
15. Preliminary panel.
16. Panel of array.

**PART IV**  
**SUMMONING OF JURORS**

17. Day for which jurors to be summoned.
18. Service of summons.

**PART V**  
**TRIALS**

19. Quashing of array.
20. Mode of impanelling juries.
21. Impanelling of further jury.
22. Number of jurors.
23. Peremptory challenges and standing by.
24. Challenges for cause.
25. Death, absence or incapacity of juror.
26. Separation of jury during adjournments.
27. Viewing by the jury
28. Verdict.
29. Discharge in certain cases.
30. New trial in case of aborted trial.
31. Excusing jurors.

**PART VI**  
**FINES OF JURORS**

32. Fines.
33. Registrar to record fines.
34. Reduction or remission of fines.
35. Payment and recovery of fines.

**PART VII**

**PAYMENT OF JURORS**

36. Scale in civil proceedings.
37. Deposit in advance of jury money.
38. Payment of jurors during trial.
39. Costs consequent on trial by jury.
40. Regulations for payment of jurors out of public funds.

**PART VIII**

**GENERAL PROVISIONS**

41. Trial of non-citizens.
42. Refreshment to jury.
43. Taking the Oath.
44. Repeal

**Schedules**

- FIRST SCHEDULE**  
**SECOND SCHEDULE**  
**THIRD SCHEDULE**  
**FOURTH SCHEDULE**



[L.S.]

I Assent,

**Louise Lake-Tack,**  
*Governor-General.*

6th February, 2009

**ANTIGUA AND BARBUDA**

**THE JURY ACT, 2009**

**No. 6 of 2009**

**AN ACT** relating to Jurors and Juries and for incidental and connected purposes.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**1. Short title**

(1) This Act may be cited as the Jury Act, 2009.

(2) This Act shall come into force on such day or days that the Minister may by Order publish in the *Gazette*.

(3) A notice under subsection (2) may appoint different days for different provisions or for different purposes of the same provision.

**2. Interpretation**

In this Act—

“civil proceeding” means a proceeding other than a criminal proceeding;

“counters” means, disks or pieces of wood, metal, or other similar substance;

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

“jurors register” when not qualified by the addition of a year, means jurors’ register for the time being in force;

“Magistrate” means the Magistrate of the district, in which the High Court sits.

“Minister” means the Minister responsible for the administration of Justice;

“prescribed particulars” of a juror means the name and title, place of abode and occupation;

“the prescribed manner” of entering names in a panel of array is by entering the names in alphabetical order; writing opposite to each name the place of abode of the person named; and prefixing the number “1” to the first name, the number “2” to the second name, and so on, in respect of each name, in an arithmetical series;

“Registrar means the Registrar of the High Court and includes a senior officer of the Registry authorised by the Registrar.

### **3. Books, ballot box and counters**

(1) The Registrar shall, arrange for the provision of a jurors’ book, a preliminary panel book, a ballot box and a sufficient number of counters for carrying out the provisions of this Act.

(2) The counters provided are to be numbered, respectively, in an arithmetical series, from the number one upwards, and are to be, exactly similar each to the other, except as regards the numbers, so as not to be distinguishable to the touch.

## **PART I**

### **QUALIFICATION OF JURORS**

#### **4. Qualification of jurors**

A person between the ages of eighteen and seventy years is, unless exempted or disqualified under the sections 5 and 6, liable to serve as a juror.

#### **5. Exemption**

A person listed in the First Schedule is exempt from serving as a juror.

## **6. Disqualification**

The following persons are disqualified from serving as a juror—

- (a) a person who is not a citizen of Antigua and Barbuda and who has not been previously lawfully ordinarily resident in Antigua and Barbuda for at least five years;
- (b) a person suffering from a mental disability, deafness, blindness or other permanent physical disability which in the opinion of the judge would make that person unsuitable to serve as a juror;
- (c) a person who has been previously convicted of an indictable offence, and has not received a free pardon;
- (d) a person who cannot read and write the English language and understand the same when spoken; and
- (e) a person who is bankrupt or has entered into a deed of arrangement with creditors.

## **PART II**

### **JURORS' REGISTER**

#### **7. Jurors' list**

During the last fourteen working days prior to the 31<sup>st</sup> of July of every year, the Registrar shall—

- (a) prepare and sign an alphabetical list of all persons resident in Antigua and Barbuda who are liable to serve as jurors, in the form specified in the Second Schedule;
- (b) at the end of the complete list, write a notice, in the form specified in the Second Schedule, stating the day on which the list will be revised by the Magistrate which day shall be the day of the first sitting of the Magistrate's Court after the expiration of 14 days from the day of the publication of the list and notice.

#### **8. Publication of jurors' list**

The Registrar shall as soon as practicable after completing the list and notice, publish it as follows—

- (a) a copy to be inserted in, at least, one issue of a newspaper circulating in Antigua and Barbuda;



- (b) by posting a copy of the list and notice in a conspicuous place at, or near, at least one of the doors, of the High Court;
- (c) in such other place or places as the Registrar may direct.

### **9. Revision of jurors' list**

(1) At the first sitting of the Magistrate's Court after the expiration of 14 days from the day of the publication of the list and notice—

- (a) the Registrar shall produce to the Magistrate the original list and notice, satisfy the Magistrate as to the day on which they were published; and answer the Magistrate's questions; and
- (b) the Magistrate shall, upon evidence which may be adduced, or of his or her own knowledge, information and belief and after hearing objections of the Registrar—
  - (i) strike from the list the name of a person included, who, in the opinion of the Magistrate, is not liable to serve as a juror;
  - (ii) add to the list the name of a person, who, in the opinion of the Magistrate, is liable to serve as a juror; and
  - (iii) correct any error or omission which shall appear to the Magistrate to have been made in respect of the prescribed particulars of a person included in the list.

(2) A person may satisfy the Magistrate that he or she is not liable to serve as a juror by—

- (a) appearing either personally, or by an attorney at law to indicate the basis of the claim; or
- (b) giving the Magistrate notice in writing of the particulars of the claim, supporting the same by evidence.

(3) Where a claim is made under subsection (2), the burden of proof lies on the person making it.

(4) The Magistrate shall make relevant inquiries with respect to a matter touching the revision.

(5) As soon as the list has been revised by the Magistrate, he or she shall prepare a certificate in the form specified in the Third Schedule and return the list to the Registrar.

### **10. Jurors' Register**

(1) When the Registrar receives the revised list, the Registrar shall cause the list, to be copied into the jurors' book, substituting the word "Register" for the word "List" in the heading.

(2) The copy of the jurors' list so made in the jurors' book is the jurors' register in force for the calendar year stated in the heading.

(3) Every person, whose name is included in the jurors' register, is, liable to be summoned to, and serve as a juror, during that calendar year.

### **11. Amendment of jurors' register**

(1) The Registrar, shall promptly notify the Magistrate, if he or she believes that a person, whose name is included in the register—

- (a) is dead;
- (b) has ceased being permanently resident in Antigua and Barbuda;
- (c) is permanently disabled from serving as a juror by reason of suffering from a mental disability, or by blindness, deafness, or other permanent physical disability;
- (d) is otherwise disqualified under section 6 from serving as a juror.

(2) The Magistrate shall inquire into the matter, and cancel the entry in the jurors' register relating to the person if he or she believes that—

- (a) the person is dead;
- (b) has permanently ceased to reside in Antigua and Barbuda;
- (c) is permanently disabled from serving as a juror by suffering from a mental disability, or by blindness, deafness, or other permanent physical disability;
- (d) is otherwise disqualified under section 6 from serving as a juror.

(3) The Magistrate shall cancel the entry in the jurors' register relating to such person, by ruling lines through the entry, and writing in the column of the register headed "Remarks", opposite to the entry, the word "cancelled", together with his or her signature and the date or by otherwise clearly noting on the Register that any such person has been cancelled and placing his or her signature and the date on the note.

(4) When an entry in a register that relates to a person included in the preliminary panel is cancelled, the Registrar shall cancel the name where it occurs in the panel.

**PART III**  
**ARRAYS OF JURORS**

**12. Impanelling**

(1) Whenever the date approaches for a sitting of the High Court, the Registrar shall, on such a day as will leave sufficient time for the persons impanelled to be duly summoned, impanel in the prescribed manner, an array of jurors to serve at the Court sitting.

(2) Subject to subsection (5) of section 14, every array of jurors consists of thirty-six persons, but the Judge may, by an order in writing, direct a greater number to be impanelled for a sitting of the High Court specified in the order, and, when the order has been made, the number directed in the order shall be impanelled accordingly.

**13. Certain jurors not to be impanelled**

(1) Subject to subsection (5) of section 14, the Registrar shall not impanel in an array of jurors a juror, who is known, or believed, to be temporarily absent from Antigua and Barbuda, and not likely to return in time to be summoned to attend the High Court.

(2) Where in the same array two or more jurors are employed in the same business—

(a) if the total number of jurors so employed in the same business is more than eight, the Registrar shall not impanel more than one third of them, and

(b) in any other case, the Registrar shall not impanel more than one of those jurors.

(3) Where two or more distinct businesses are carried on by, or on behalf or for the benefit of, the same person, or persons, the fact that a juror, employed in one of the businesses, has been impanelled to serve on an array, shall not on its own be sufficient to excuse another juror, employed in another of the businesses, from being impanelled in the same array.

(4) A person carrying on, or for the time being in charge of, a business in Antigua and Barbuda, may, from time to time, give to the Registrar a list of jurors employed in the business, and the Registrar, upon receiving the list, shall, when he or she next proceeds to impanel a jury, make such enquiries as he or she may think fit, and act accordingly.

(5) The decision of the Registrar as to whether two or more jurors are, or are not, employed in the same business shall, for the purposes of this section, be final.

#### **14. Mode of impanelling**

(1) Subject to subsection (5), the Registrar shall make in the preliminary panel book a preliminary panel in the form specified in the Fourth Schedule, and in accordance with section 15 shall insert in the preliminary panel as many more names as may be required by taking from the jurors' register one name that begins with the letter A and the letter B and so on, until as many names as may be required are inserted.

(2) As each name is included in the preliminary panel, whether taken from the last preceding preliminary panel, as prescribed in section 15, or from the register, as prescribed in subsection (1) the Registrar shall if there is no objection under section 13 to the person named being impanelled, write the word "Impanelled" opposite the name in the preliminary panel book.

(3) The Registrar shall write in the preliminary panel book, adjacent to the relevant entry, "Temporarily absent" or "Employed in the same business as [name of person]" when the Registrar believes that the person named is—

- (a) temporarily absent from Antigua and Barbuda, and not likely to return in time to be duly summoned to attend the High Court;
- (b) known to be employed in the same business as another person, whose name has already been inserted in the preliminary panel and therein marked "Impanelled".

(4) When thirty-six names inserted in the preliminary panel have been marked "Impanelled", the preliminary panel is complete.

(5) If, when the Registrar is impanelling an array of jurors to serve at a sitting of the High Court, the number of jurors whose names are included in the jurors' register does not exceed thirty-six, the Registrar shall impanel, as the array to serve at that sitting, all the jurors whose names are included in the register, and the array is valid, although the number impanelled is less than thirty-six.

#### **15. Preliminary panel**

When the Registrar is making a preliminary panel, if there are any names included in the immediately preceding preliminary panel which are not marked "Impanelled" the Registrar shall insert these names, as the first names in the new preliminary panel, in the same order in which they occur in the last preceding preliminary panel.

#### **16. Panel of array**

(1) As soon as the Registrar has completed a preliminary panel, he or she shall cause the names on it marked "Impanelled" to be entered in the prescribed manner in a panel of array.

(2) When an array is impanelled under subsection (5) of section 14 the names of the persons impanelled shall be entered in the prescribed manner in a panel of array.

#### **PART IV**

#### **SUMMONING OF JURORS**

##### **17. Day for which jurors to be summoned**

As soon as an array of jurors has been impanelled, the Registrar shall proceed to summon each of the jurors included in the array to attend on the day fixed for the holding of the next sitting of the High Court.

##### **18. Service of summons**

(1) The Registrar shall, in respect of each impanelled juror, sign a summons to attend as a juror.

(2) The officer normally responsible for service of a summons shall serve the signed summons at least five days before the day on which the juror is summoned to attend—

(a) by delivering it to the juror, or leaving it at his or her usual place of abode; and

(b) service shall be effected by delivering the summons to the person named or by leaving it with a responsible person at the last or most usual place of abode.

(3) The officer shall make a true return of service of each summons to the Registrar, and shall attend at the sittings and if necessary, verify service upon oath.

#### **PART V**

#### **TRIALS**

##### **19. Quashing of array**

(1) The judge shall hear every application for the quashing of an array.

(2) The judge shall not quash an array on the ground of any formal defect, or of a breach of any of the provisions of this Act, unless the judge is satisfied that it is expedient, on the merits and in the interests of justice, that the array should be quashed.

##### **20. Mode of impanelling juries**

(1) For the impanelling of a jury, the Registrar shall—

- (a) place in the ballot box, for every name included in the panel of the array, a counter inscribed with a number corresponding to the number prefixed to the name in the panel;
- (b) thoroughly intermix the counters; and
- (c) proceed to draw, one by one, out of the box, twelve counters, and, as each counter is drawn, shall write down the number inscribed on the counter, and, opposite to the number, the name in the panel to which that number is prefixed, and call out the name.

(2) The juror named shall then enter the jurors' box.

(3) If jurors so drawn and called do not appear and enter the jurors' box, or, in a criminal proceeding, being present, are asked by the Crown to stand by, the Registrar shall proceed in the manner set out in subsection (1) until twelve jurors have entered the jurors' box.

(4) If, for any reason, it appears that the jury will consist of less than twelve members, the judge may require persons present in or in the vicinity of the court to be summoned with or without any written notice to serve on the jury. The judge may require as many persons as are needed to complete the jury, to be so summoned.

(5) Every juror so summoned is equally subject to the provisions of this Act, including those in respect of qualification, disqualification, exemption, excusal, fines and payments, as if he or she had been summoned under section 18.

(6) Every juror so summoned is liable to serve as a juror for the trial of the proceeding, and shall, as soon as his or her name is called, enter the jurors' box.

(7) When twelve jurors are in the jurors' box, if any challenges are successful, the juror challenged shall leave the box, and another juror be selected.

(8) When twelve persons are in the jurors' box, who are not challenged, or have not been successfully challenged, they shall be the jurors impanelled for the trial of the proceeding, and shall then be counted and sworn.

(9) In every criminal proceeding, the person charged shall, before any juror is sworn, be informed of their legal right, and be given a reasonable opportunity to challenge whether peremptorily or for cause, before the Registrar begins to administer the oath to any of the jurors, but no challenge shall be allowed after the Registrar has, with the leave of the judge, begun to administer the oath to any of the jurors impanelled.

(10) Any challenge to a juror must be made before he or she is sworn.

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

(12) The judge may order any juror of the jury referred to in subsection (9) to whom both parties object, or who is, excused by the judge, or successfully challenged, to withdraw, and another juror or other jurors to be drawn instead.

(13) The judge may try the proceeding with a jury composed of the residue of the original jury and the additional juror or jurors as if they had been impanelled under sub-section (1).

### **21. Impanelling of further jury**

If, at a High Court sitting, before the jury impanelled for the trial of any proceeding have been discharged, another proceeding is brought for trial, the judge may order another jury to be impanelled from the jurors who are not then impanelled. The judge shall then advise the second panel of jurors as well as the remaining jurors who are not impanelled, when they will next be required to attend Court.

### **22. Number of jurors**

(1) Every jury impanelled for the trial of any proceeding shall consist of twelve persons.

(2) The Court may direct that not more than five jurors in addition to the regular jury shall be called and impanelled to sit as alternate jurors at the trial of any proceeding in respect of a capital charge.

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

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

### **23. Peremptory challenges and standing by**

When a jury is being impanelled for the trial in the High Court of a person charged with an indictable offence—

- (a) the person charged, or each of the persons charged, may peremptorily and without assigning cause challenge any number of jurors not exceeding five;
- (b) the Crown may ask any number of jurors not exceeding twelve, to stand aside until the panel has been considered.

#### **24. Challenges for cause**

(1) When a jury is being impanelled for the trial of any proceeding, each party may challenge for sufficient cause any number of jurors.

(2) Where a challenge is made, the judge shall inquire into the issues and after hearing any evidence which may be adduced, may allow, or disallow the challenge.

(3) The decision of the judge, as to what is or is not, sufficient cause, is final.

(4) In this section “sufficient cause” means anything which, to the satisfaction of the judge, renders it improper, or inadvisable, that the person challenged should be impanelled for the trial of the proceeding.

#### **25. Death, absence or incapacity of juror**

(1) If, during the trial of any proceeding, other than a capital charge, a juror dies, or becomes incapable of serving, or for any other reason becomes absent, the jury is not discharged, and the trial continues with the remaining jurors.

(2) If by the operation of subsection (1) the total number of jurors falls below nine, the presiding judge shall discharge the jury and a new trial shall be ordered.

(3) The alternate jurors shall (in the order in which they are called) replace those jurors on the regular jury who, during the trial of any proceeding in respect of a capital charge, 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.

#### **26. Separation of jury during adjournments**

(1) Whenever, at a sitting of the High Court, the trial of a person charged with any indictable offence is adjourned before the jury begin to consider their verdict, either from one day to another day or from one hour to another hour of the same day, the judge may permit the jury to leave the Court and separate until the close of the adjournment, provided an oath has been previously administered to them in open Court.

(2) When the oath has once been taken by a juror in the course of a trial, it shall not be necessary to re-administer it again during the same trial.

(3) A refusal by a juror to take the oath, does not prevent the separation or departure of the jurors as who have taken it, but the juror who refuses shall be kept, during the adjournment by the officers



of the court sworn, in the usual manner, neither themselves to speak to, nor hold any communication with, such juror touching any matter relative to the trial.

### **27. Viewing by the jury**

Whenever, at the trial of any proceeding, the judge is of the opinion that it is expedient, in the interest of justice, that the jury impanelled to try the proceeding should have a view of any place, or of any real or personal property, connected with the proceeding, the Judge may order such viewing to be made accordingly, under such conditions as to costs, and generally, as he or she thinks fit.

### **28. Verdict**

(1) A judge shall not accept a verdict within two hours after the conclusion of the Judge's summing up, unless it is unanimous.

(2) After the expiration of two hours from the conclusion of the summing up, the judge may accept any verdict, in which at least 10 of the jurors agree.

(3) Notwithstanding subsection (1) and (2), a judge may only accept an unanimous verdict in respect of a capital charge.

### **29. Discharge in certain cases**

If, in a proceeding, no verdict is delivered by a jury within four hours after the conclusion of the summing up of the judge, and if he or she is satisfied that there is no prospect of the jury agreeing, the judge may discharge the jury.

### **30. New trial in case of aborted trial**

If for any cause the trial of any proceeding is aborted, the judge may discharge the jury, and the proceeding may be tried with a new jury, duly impanelled and sworn, either at the same, or, if the judge so orders, at the next sitting of the High Court, in the same manner as if the aborted trial had not taken place.

### **31. Excusing jurors**

(1) Before the commencement of a sitting of the High Court, a judge may if satisfied that it is necessary excuse a juror from attending the sitting if—

- (a) the juror produces a certificate from a medical practitioner requiring that he or she be excused; or

(b) there is some other reasonable and sufficient cause for excusing the juror.

(2) The judge presiding at a trial may if satisfied that it is necessary excuse a juror from attending the whole or any part of the trial if—

(a) the juror produces a certificate from a medical practitioner requiring that he or she be excused; or

(b) the judge is of the opinion that there is some other reasonable and sufficient cause for excusing the juror.

## **PART VI**

### **FINES OF JURORS**

#### **32. Fines**

(1) As soon as may be convenient after the opening of a High Court sitting, the officer of the court shall call the names of the jurors impanelled to serve, and every juror, who, having been duly summoned, does not answer to their name, after it has been thrice called, may be fined by the judge any sum not exceeding one thousand dollars.

(2) Whenever at any High Court sitting a jury is being impanelled and sworn for the trial of any proceeding—

(a) every juror duly summoned to attend the Court, provided he or she has not been excused, and provided he or she is not at the time serving on a jury for the trial of another proceeding; and

(b) every person present in Court and required by the judge to serve on a jury under section 20(4) may be fined by the judge any sum not exceeding one thousand dollars if the person

(i) fails to answer his or her name when called;

(ii) refuses to enter the jury box;

(iii) leaves the jury box without the permission of the judge;

(iv) refuses to be sworn or affirmed for the trial of the proceeding;

(v) arrives late; and

(vi) is absent.

(3) Every juror sworn to try a proceeding at Court who, when the jury are allowed to separate during any adjournment of the Court, fails to return into Court at the termination of the adjournment, may be fined by the judge any sum not exceeding one thousand dollars.

### **33. Registrar to record fines**

When a juror is fined under section 32, the Registrar shall record in the minute book the name of the juror and the amount and cause of the fine.

### **34. Reduction or remission of fines**

(1) When a juror is fined under this Act, who attended at the Court at which the fine was imposed, the judge may, at any time during, or within one week after the closing of the sitting of the Court, upon sufficient cause being shown, reduce or remit the fine.

(2) Whenever a juror is fined under this Act, who did not attend at the Court at which the fine was imposed, a judge may, at any time before the termination of the sitting of the next session of the High Court in Antigua and Barbuda, upon sufficient cause being shown, reduce or remit the fine.

(3) Whenever a judge, reduces, or remits, a fine, he or she shall give notice of the reduction or remission, to the Registrar, and the Registrar shall note the remission or reduction in the margin of the minute book, opposite to the entry of the imposing of the fine.

### **35. Payment and recovery of fines**

(1) Where a fine has been imposed on a juror under this Act, and the fine has not been remitted, the amount of the fine or if the fine has been reduced the amount to which the fine has been reduced, shall be paid to the Registrar before the closing of the sitting of the High Court then in progress.

(2) In case of default, the Registrar shall immediately after the closing of the sitting issue a warrant directed to the Provost-Marshal, requiring him or her to levy by distress and sale of the goods and chattels of the juror, the amount of the fine, or, reduced fine.

(3) A warrant is executed in the same manner as a writ of *feri facias* in the High Court.

(4) Where a levy is made, the amount of the fine, or, reduced fine, together with the reasonable expenses of the levy, are to be paid out of the proceeds of the sale, and any surplus, is to be returned to the juror.

(5) Where an application is made under this section for a warrant of commitment, the judge may adjourn the application and order notice to be served on the juror.

**PART VII**  
**PAYMENT OF JURORS**

**36. Scale in civil proceedings**

(1) Every juror who attends at the High Court for the trial of a civil proceeding in obedience to a summons served upon him or her in that behalf under this Act, shall be entitled to receive the following sums—

- (a) in the case of jurors duly sworn for the trial of the proceeding, the sum of twenty-five dollars for each day or part of a day during which they shall serve as jurors;
- (b) in the case of jurors not sworn for the trial of the proceeding, the sum of twenty-five dollars only;
- (c) in the case of all jurors, the expenses actually incurred in travelling to the Court where the civil proceeding is tried, but
  - (i) not exceeding one dollar per mile for every mile of the journey travelled; and
  - (ii) in the case of jurors not sworn for the trial of a proceeding, the expenses incurred for travelling in respect of the first day's attendance only.

(2) Every juror who attends at the High Court for the trial of criminal proceedings in obedience to a summons served upon him or her, and who is duly sworn for the trial of a civil proceeding, is entitled to receive—

- (a) the sum of twenty five dollars for each day or part of a day during which he or she serves as a juror in the civil proceeding.
- (b) the expenses actually incurred in travelling to the Court where the civil proceeding is tried, but not exceeding one dollar per mile.

(3) Every juror who by reason of service as a juror in a trial is necessarily absent from home at night is entitled to receive in addition to the sums in this section mentioned, the sum of twenty dollars for each night while absent.

(4) A juror who receives an allowance under subsection (1) of section 40, shall not receive an allowance under this section.

**37. Deposit in advance of jury money**

(1) A jury shall not be impanelled for the trial of a civil proceeding, unless the party applying for the impanelling has first deposited with the Registrar, the sum that the Registrar considers necessary for the payment of the jury, in accordance with section 36.

(2) Where the decision of the Registrar as to the amount of a deposit payable under this section is questioned by the party by whom it is to be paid, a Judge shall hear the Registrar and the party, and decide the amount of the deposit.

**38. Payment of jurors during trial**

(1) Where a deposit is made in a civil proceeding, the Registrar shall at the close of each day during which the jury serve on the trial of the proceeding, pay, out of the deposit, to each of the jurors impanelled, the sum to which the juror is entitled under section 36.

(2) If, after the jury have been discharged the deposit is not yet exhausted, the Registrar shall pay the surplus to the party by whom the deposit was made.

(3) If, at the close of any day, the money deposited for the payment of the jurors is exhausted, the Registrar shall at once report the fact to the presiding Judge, who shall discharge the jury, unless the party, at whose instance the jury was impanelled, or any other party to the proceeding, deposit with the Registrar the further sum as the Judge considers necessary for the payment of the jury.

(4) If a jury is discharged under this section, the trial shall proceed before the Judge alone in the same manner as if the jury had not been impanelled.

**39. Costs consequent on trial by jury**

When a civil proceeding is tried by a jury, and the costs of the trial are awarded to the party to the proceeding at whose instance the jury was impanelled, the costs, unless the Judge otherwise orders, include the moneys which have been paid to the jury under section 38 and cost of refreshment under section 42.

**40. Regulations for payment of jurors out of public funds**

(1) The Minister may make regulations authorizing the payment of allowances to jurors attending at the Courts in pursuance of summonses under this Act, or impanelled under the provisions of this Act other than in civil proceedings.

(2) The allowances may include compensation for loss of time, and expenses paid, or incurred, in going to, attending at, and returning from, Court.

(3) All allowances payable under the regulations, shall be paid, on the warrant of the Registrar, out of the Consolidated Fund.

(4) The Minister may make regulations amending the scale in civil proceedings.

## **PART VIII**

### **GENERAL PROVISIONS**

#### **41. Trial of non-citizens**

A person who is not a citizen of Antigua and Barbuda shall not be entitled to be tried by a jury *de medietate linguae*, but every non-citizen shall be triable by a jury impanelled and sworn under this Act, in the same manner as a citizen of Antigua and Barbuda.

#### **42. Refreshment to jury**

After a jury has been impanelled and sworn for the trial of a proceeding, they may, in the discretion of the judge, and subject to such conditions as thought fit, be allowed, at any time before giving their verdict, reasonable refreshment, to be procured in criminal cases at the expense of the Crown, and in civil cases in accordance with section 39.

#### **43. Taking the Oath or Affirmation**

(1) Whenever a juror is sworn, under the provisions of the Oaths Act, upon a Book, the juror shall not be required to kiss the Book, but shall hold the Book in their right hand, while the oath is being administered, and when the oath has been administered, shall say, "I do", or other words of assent as directed by the Judge.

(2) Whenever a juror is affirmed, under the provisions of the Oaths Act, the juror shall not be required to hold or kiss a Book.

#### **44. Repeal**

The Jury Act Cap. 228 is repealed.

**FIRST SCHEDULE**

[Section 5]

Members of Parliament and their spouses.

The Clerk to Parliament.

Members of the Staff of the Ministry responsible for Legal Affairs including the staff of the Attorney-General's Office and the Registrar's Office, Members of the Director of Public Prosecutions' Staff, Legal Officers in the Judicial and Legal Service, Magistrates and their Clerks.

Secretary to the Cabinet, Chief Establishment Officer, Financial Secretary, Solicitor General, Permanent Secretaries, Senior Assistant Secretaries, other heads of division of government departments and any person holding a public office that is set out in the First Schedule to the Civil Service Act.

Secretary to the Public and Police Services Commissions and Secretary to the Governor-General. Officers of the Courts of Law, and Attorneys at Law and their Clerks.

Full time members of the Fire Brigade.

Police Officers.

Members of the regular force of the Antigua and Barbuda Defence Forces. Security guards at the V.C. Bird International Airport, Barbuda Airport and the St. John's Deepwater Harbour.

Prison Officers

Matron and other members of the nursing, professional and para-professional staff of hospitals.

Ministers of Religion.

Principals of schools and full time school teachers.

Medical Practitioners.

Chemist and druggists, registered under the Medical Act.

Bank Managers.

All Diplomatic Agents, Consular Officers and Consular Employees of foreign powers and members of their family, being of foreign nationality.

Representatives and officials of regional and international organisations and agencies.

**SECOND SCHEDULE**

[Section 7]

**JURORS' LIST FOR THE YEAR 20**

Christian and Surname at length	Address	Occupation	Remarks

**NOTICE**

The above are the persons whom it is proposed should be inserted in the Jurors' Register for the year 20 . The list will be revised at the sitting of the Magistrate's Court to be holden at , on the day of , at o'clock, and the Magistrate may then make such changes therein as he may think fit, either by adding or striking out names, or otherwise. Any person, whether included or not included in the said list, may then appear personally, or by his counsel or solicitor, and claim that he is, or is not, liable to serve as a juror, or, if unable to attend personally, may give the Magistrate notice in writing of his claim, supporting it by such evidence as he may think fit, and the Magistrate will then, as far as he reasonably can, inquire into the claim. The Magistrate's decision in revising the said list will be conclusive, and all persons included in the said list, after it has been revised by the Magistrate, will be liable during the year 20 to be summoned and serve as jurors, notwithstanding any disqualification or exemption other than illness or unavoidable accident.

Dated this day of 20

Registrar

**THIRD SCHEDULE**

[Section 9]

I CERTIFY that this list has been revised by me, and that it is, to the best of my knowledge, information and belief, a true and correct list of the persons who are liable to serve in Antigua and Barbuda, as jurors.

Dated this day of 20

Magistrate.



**FOURTH SCHEDULE**

**[Section 14]**

**PRELIMINARY PANEL**

FOR THE SESSION OF COURT TO BE HELD ON THE  
DAY OF 20

Name of Juror	Whether taken from last Preliminary Panel or direct from Jurors' Register.*	Whether impanelled and if not, why not?

\*Put P.P. for last Preliminary Panel and J.R. for Jurors' Register.

Passed the House of Representatives on the  
27th day of January, 2009.

Passed the Senate on the 30th day of  
January, 2009.

**D. Gisele Isaac-Arrindell,**  
*Speaker.*

**McKenzie Frank,**  
*President.*

**T. Thomas,**  
*Acting Clerk to the House of Representatives.*

**T. Thomas,**  
*Acting Clerk to the Senate.*