

**MONTSERRAT**

**JURY (AMENDMENT) ACT**

No. 15 of 2024

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**I ASSENT**

*Sgd. Sarah Tucker (Mrs.)*

**GOVERNOR**

**Sarah Tucker**

DATE: 2 May 2024

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AN ACT TO AMEND THE JURY ACT (CAP. 02.07) WITH RESPECT TO PEREMPTORY CHALLENGES, ALTERNATE JURORS AND FOR RELATED MATTERS.

BE IT ENACTED by The King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat, and by the Authority of the same as follows:—

**1. Short title**

This Act may be cited as the Jury (Amendment) Act, 2024.

**2. Interpretation**

In this Act “**principal Act**” means the Jury Act (Cap. 2.07).

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### 3. Section 2 amended

Section 2 of the principal Act is amended by inserting the following definitions in the correct alphabetical sequence—

“**alternate juror**” means a juror impanelled to sit in the trial of any proceeding pursuant to section 29 and 29A;

### 4. Section 26 is deleted

Section 26 of the principal Act is deleted and the following is substituted—

#### “26. Number of jury

A jury impanelled for the trial of any proceeding shall consist of nine persons.

### 5. Section 27 amended

Section 27 of the principal Act is deleted and the following is substituted—

#### “27. Challenge

(1) In a proceeding brought on for trial—

(a) if one person is being arraigned, each party is entitled to two peremptory challenges; and

(b) if two or more persons are arraigned together—

(i) each person arraigned is entitled to two peremptory challenges; and

(ii) the Crown is entitled to two peremptory challenges for each person arraigned;

and any further challenge by either party shall be for cause.

(2) A juror whose name has been selected to be impanelled may be challenged for cause and, if

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any challenge for cause is alleged, the Judge shall immediately enquire into the truth or the validity of the allegation and shall allow or overrule the challenge and the Judge's decision is final.

- (3) Any right of challenge available under this section, whether peremptory or for cause, shall be exercised before the juror enters the jurors' box.
- (4) In this section, “**cause**” means anything which, in the opinion of the Judge, renders it improper or inadvisable that the person challenged should be impanelled for the trial of the proceeding.

## 6. Section 28 deleted

Section 28 of the principal Act is deleted.

## 7. Section 29 deleted

Section 29 of the principal Act is deleted and the following is substituted—

### “29. Impanelling of jury (common or special)

- (1) A jury in a proceeding brought on for trial shall be impanelled as follows—
  - (a) the Registrar shall in open court, select at random a counter from a ballot box and shall write down the number inscribed on the counter and, opposite to the number, the name of the juror to which that number is prefixed;
  - (b) the Registrar shall call out the name of the juror to which that number is prefixed and either party to the proceeding, may in accordance with section 27, challenge the juror selected;

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- (c) if the juror is not challenged or if a challenge has been unsuccessful, the juror shall enter the jurors' box; and
- (d) as soon as nine jurors are in the juror's box, the Registrar shall, in accordance with section 30, swear or take an affirmation from each juror in the order in which their names were selected from the ballot box.
- (2) If it appears to the Judge that the number of persons on the jury panel who are in attendance is insufficient or is reduced by exemptions, exclusions, challenges or persons being found not qualified as to be sufficient to select a jury, the Judge may call on the Registrar either verbally or in writing, to randomly select additional persons who shall be summoned immediately to be included on the jury panel.
- (3) If it is considered necessary by the Registrar, persons selected at random from the jurors' register in accordance with section 11 may be summoned under subsection (2) by word of mouth, and in that event, written summons signed by the Registrar shall subsequently be served on any person summoned by word of mouth and the summoning officer shall make a return of that service.
- (4) The name of a person summoned under subsection (2) shall be added to the panel and the Judge shall proceed as if those summoned had been included in the panel in the first instance, and they shall serve under the same penalty and receive the same fees as if they were regularly summoned to serve.
- (5) The Judge may discharge a person or persons from the jury panel as he or she thinks fit.

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- (6) Notwithstanding anything in this Act, if at any sitting of the High Court, no objection is made by any party to a proceeding—
- (a) the proceeding may be tried by the Judge with the same jury which, at the same court, has previously tried or been drawn to try, another proceeding; or
  - (b) the Judge may order any of the jury to whom both parties object or who is, or are, excused by the Judge, or successfully challenged, to withdraw and another juror or other jurors to be drawn instead, and may try the first mentioned proceeding with a jury composed of the residue of the original jury and such additional juror or jurors.
- (7) The jury, by whom any proceeding is to be tried under this section, shall first be duly sworn for the trial of the proceeding in the same manner as if they had been impanelled under subsection (1).

### **8. Section 29A inserted**

The principal Act is amended by inserting the following as section 29A—

#### **“29A Alternate jurors**

- (1) The Judge may direct that not more than two jurors in addition to the regular jury be selected and impanelled to sit as alternate jurors and, in that case, they shall in the order in which they are called, replace those jurors on the regular jury who, prior to the time it retires to consider its verdict, have become or been found to be unable or disqualified to perform their duties.
- (2) Section 27 applies to the selection of alternate jurors.

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- (3) An alternate juror shall attend and remain in Court during proceedings in relation to which he or she is impanelled as an alternate juror.
- (4) An alternate juror who does not replace a juror from the regular jury shall be discharged—
  - (a) immediately prior to the jury retiring to consider its verdict; or
  - (b) at any time prior to the jury retiring, as the Judge thinks fit.
- (5) Alternate jurors shall be selected at random in the same manner, and shall have the same qualifications, take the same oath and have the same functions, powers, facilities and privileges, as the regular jurors under this Act.
- (6) In this section “**regular jury**” means a jury impanelled under section 29(1) and “**regular juror**” shall be construed accordingly.

*Sgd. Charliena M. L. White*

**SPEAKER**

**Miss. Charliena M. L. White**

Passed by the Legislative Assembly this 30<sup>th</sup> day of April, 2024.

*Sgd. Adina Lee*

**CLERK OF THE LEGISLATIVE ASSEMBLY (Ag.)**

**Mrs Adina Lee**