

Approved for Reprint 26th April, 1974.

WESTERN AUSTRALIA.

JURIES.

6° Elizabeth II., No. L.

No. 50 of 1957.¹

(Affected by Act No. 113 of 1965.)

[As amended by Acts:

No. 35 of 1959, assented to 30th October, 1959;

No. 30 of 1961, assented to 11th June, 1962;

No. 46 of 1972,² assented to 18th September, 1972;

No. 44 of 1973,³ assented to 18th October, 1973;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

AN ACT to consolidate and amend the Law relating to Juries, and for other purposes including Provision for Service on Juries by Women.

[Assented to 9th December, 1957.]

BE it enacted—

1. (1) This Act may be cited as the *Juries Act, 1957-1973*.

(2) This Act shall come into operation on a date to be fixed by proclamation.¹

Short title, commencement, and arrangement.

Amended by No. 44 of 1973, s. 1.

¹ Came into operation on 1st July, 1960. See *Gazette* 6/3/59, p. 539.

² Came into operation on 1st November, 1972. See *Gazette* 13/10/72, p. 4069.

³ Came into operation on 1st January, 1974. See *Gazette* 14/12/73, p. 4528.

(3) This Act is arranged as follows:—

PART I.—INTRODUCTORY: ss. 2 and 3.

PART II.—JURORS—QUALIFICATIONS, EXEMPTIONS: ss. 4-8.

PART III.—JURY DISTRICTS: ss. 9-12.

PART IV.—JURORS' BOOKS, BOXES AND CARDS: ss. 13-17.

PART V.—NUMBERS OF JURY, PRECEPTS, PANELS AND SUMMONSES: ss. 18-34.

PART VI.—PROCEEDINGS AT CRIMINAL TRIALS: ss. 35-43.

PART VII.—PROCEEDINGS AT CIVIL TRIALS: ss. 44-50.

PART VIII.—VIEW, TALES: ss. 51-52.

PART IX.—OFFENCES, FINES, PENALTIES: ss. 53-57.

PART X.—MISCELLANEOUS: ss. 58-62.

FIRST SCHEDULE.—REPEALED ACTS.

SECOND SCHEDULE.—PERSONS EXEMPTED FROM SERVICE AS JURORS.

THIRD SCHEDULE.—FORM OF SUMMONS LIST.

PART I.—INTRODUCTORY.

Repeal.
First
Schedule.

2. (1) The Acts mentioned in the First Schedule to this Act are repealed to the extent prescribed by that Schedule.

Transition
provisions.

(2) Notwithstanding subsection (1) of this section,

- (a) panels of jurors required shall, until the first Jurors' Books under this Act are completed and brought into use, be prepared as if the enactments repealed by subsection (1) of this section were still in operation; and
- (b) where jurors have been summoned before the day of the coming into operation of this Act to attend for any session or sittings, the provisions of the enactments repealed by subsection (1) of this section, shall continue to operate in respect of the jurors so summoned and in respect of trials to be held at the session or sittings, notwithstanding that this Act comes into operation before, or during, any of those trials; and
- (c) where a trial with a jury has commenced before the day of the coming into operation of this Act, and is not completed at that day, the trial shall be continued as if the enactments repealed by subsection (1) of this section were still in operation; and
- (d) proclamations, rules, regulations, orders, notices, summonses and precepts made or issued under the authority of any enactment repealed by subsection (1) of this section and being in force immediately before the coming into operation of this Act shall enure for the purposes of this Act; and
- (e) paragraphs (a), (b), (c), and (d) of this subsection do not affect the application to this Act of the provisions of the Interpretation Act, 1918, in general, or of sections fifteen and sixteen of that Act in particular.

3. In this Act unless inconsistent with the subject matter or context—

“Assembly District” means an Electoral District for the election of a member of the Legislative Assembly;

Interpretation.
Amended by
No. 44 of
1973, s. 3.

“Circuit Court” means a court held in a circuit district by virtue of the provisions of section forty-six of the Supreme Court Act, 1935;

“Circuit Court town” means a place where a Circuit Court is appointed to be held;

Cf. No. 36 of 1935; s. 42; and No. 73 of 1948, s. 35.

“civil trial” means trial in the civil jurisdiction of the Supreme Court, a Circuit Court, or the District Court;

“Court town” means any place where a sitting of the Supreme Court or a Circuit Court or of the District Court is appointed to be held;

Cf. Criminal Code, ss. 622 and 631.

“criminal trial” means a trial of issues required by The Criminal Code to be tried by a jury, but does not include a trial in a Children’s Court or in summary proceedings;

“District Court” means The District Court of Western Australia established under the District Court of Western Australia Act, 1969;

“Judge”—

(a) in relation to the Supreme Court, means Judge or acting Judge of that Court and includes a Commissioner appointed under section forty-nine of the Supreme Court Act, 1935;

(b) in relation to a Circuit Court, means Judge or acting Judge of that Court and includes a Commissioner appointed under section forty-nine of the Supreme Court Act, 1935; and

(c) in relation to the District Court, means Judge or acting Judge of that Court and includes a Commissioner appointed under section twenty-four of the District Court of Western Australia Act, 1969;

“jury district” means a part of the State proclaimed under this Act to be a jury district;

“jury officer” means jury officer ascertained in accordance with section thirteen of this Act;

“municipal office” means the office of a Road Board¹ or of a Municipal Council;

“police officer” means an officer or member of the Police Force of Western Australia;

“Sheriff” means the Sheriff of Western Australia and includes any deputy or under sheriff or any person appointed by the Sheriff in writing under his hand and seal to act for him or in his stead;

“summoning officer” means the Sheriff, jury officer or other person whose duty it is to summon jurors, and their deputies respectively;

“Supreme Court” does not include Circuit Court;

“tickets” means distinct pieces of card, parchment, or durable paper;

“trial” means any trial, issue, inquiry, assessment of damages or other proceeding, whether civil or criminal, for which a jury is or may be lawfully required.

3A. Subject to the District Court of Western Australia Act, 1969, and to the other provisions of this Act, this Act applies in respect of the District Court, a Judge thereof, and any civil or criminal trial held in the District Court as they apply in respect of the Supreme Court, a Judge thereof, and any such trial held in the Supreme Court and without limiting the generality of the foregoing, the provisions of this Act relating to the constitution and procuring of juries, the summoning and challenging of jurors, the discharge of juries, and the verdicts of juries extend and apply to the constituting and procuring of juries, the summoning and challenging of jurors, the discharge of juries, and the verdicts of juries in the District Court.

Application
of this Act
to District
Court.

Added by
No. 44 of
1973, s. 4.

¹ Now Council of a Shire. See Local Government Act 1960, s. 4(3).

PART II.—JURORS—QUALIFICATIONS,
EXEMPTIONS.

Qualifica-
tion of
jurors.
Amended by
No. 46 of
1972, s. 6
and
Schedule.

4. (1) A person, who has attained the age of eighteen years and who has not attained the age of sixty-five years, and who is enrolled on any of the rolls of electors entitled to vote at elections of members of the Legislative Assembly is, subject to the provisions of this Act, qualified and liable to serve as a juror at civil and criminal trials in the jury district in which the person is shown by any of those rolls of electors to live.

(2) A person whose name is included in the Jurors' Book as a juror is liable to so serve notwithstanding that he or she may have been entitled by reason of some disqualification or exemption to claim that he or she ought not to be included in the Jurors' Book as a juror, but this subsection does not affect a right conferred by this Act on a person to be excused, or a power conferred by this Act to excuse a person from attendance as a juror.

Disqualifica-
tions.
Amended by
No. 44 of
1973, s. 5.

5. (1) A person is not qualified to serve as a juror if he or she

- (a) is not a natural born or naturalised subject of Her Majesty;
- (b) has been convicted of a crime or misdemeanour unless he or she has received a free pardon;
- (c) is an undischarged bankrupt; or
- (d) cannot read and understand the English language;

Cancellation
of qualifica-
tion of
women.
Cf. No. 30
of 1913, s.
31, as to
"service" of
notice.

(2) A woman qualified and liable to serve as a juror may cancel, subject to the provisions of subsection (5) of this section, her liability to serve, by service of written notice to that effect on the Sheriff.

(3) Where a woman has cancelled her liability to serve as a juror, she may, after the expiration of two years from the cancellation, render herself, if she is qualified, and if she has not been issued with

a certificate of permanent exemption pursuant to subsection (9) of section fourteen of this Act, liable again to serve as a juror, by service of written notice to that effect on the Sheriff.

(4) A woman may, from time to time,

(a) cancel, subject to the provisions of subsection (5) of this section her liability to serve as a juror; or

(b) after the expiration of two years from the last preceding cancellation, render herself liable again to serve as a juror;

by service of written notice of cancellation, or as the case may be, of claim to reinstatement of liability to serve as a juror, on the Sheriff.

(5) When a woman has been summoned to attend as a juror at any sittings, she is not permitted after service of the summons to cancel her liability to serve as a juror in any trial held at the sittings.

(6) On receiving from a woman notice of cancellation, or as the case may be, notice of claim to reinstatement of liability to serve as a juror, served on him pursuant to this section, the Sheriff shall immediately transmit particulars of the notice to the Chief Electoral Officer and shall immediately make, sign, and date, the necessary adjusting entry in the Jurors' Book for the jury district.

6. (1) Subject to subsection (2) of section four of this Act the persons described in the Second Schedule to this Act and persons to whom the Sheriff has issued a certificate of permanent exemption pursuant to subsection (9) of section fourteen of this Act are exempt from serving as jurors.

Exemptions.
Second
Schedule.

(2) Where it appears to the Governor that the duties of any office, or class of offices, in the paid and active service of the Crown in right of the State or of any agency or instrumentality of the Crown in right of the State, are such, that interruption of the discharge of those duties would result in serious inconvenience to the public or any section of the public, the Governor may by proclamation¹ exempt

Power to
exempt
certain
occupants
of offices
in the
service of
the public.

¹ See *Gazettes* 5/2/60, pp. 251-2; 10/6/60, p. 1609; 11/5/62, p. 1133; 15/4/65, pp. 1041-2; 15/4/66, p. 921; 28/4/72, p. 915.

any person while occupying that office, or while occupying any class of those offices, from liability to serve as jurors, and may by subsequent proclamation cancel or from time to time vary a proclamation previously made under this section.

Persons over age of 65 years to be excused.

7. A person whose name is included in a Jurors' Book shall be excused by the summoning officer from attending and serving as a juror, if within three days from the date of receipt by him or her of the summons, he or she claims exemption on the ground that he or she has attained the age of sixty-five years, and it appears to the summoning officer that he or she has attained that age.

Disqualified person serving as juror not ground for questioning verdict.

8. The fact that a disqualified or exempted person, or a person over the age of sixty-five years, has served as a juror in a trial, whether civil or criminal, is not a ground for questioning, and does not invalidate or affect, the verdict.

PART III.—JURY DISTRICTS.

Jury districts.
Amended by No. 44 of 1973, s. 6.

9. For the Supreme Court, and for each Circuit Court, the Governor shall constitute a jury district.

Area of jury districts.
Amended by No. 44 of 1973, s. 7.

10. (1) A jury district shall consist of the whole or such part or parts of such Assembly District or Assembly Districts as is or as are, from time to time, determined in accordance with the provisions of this Part.

(2) The jury district for the Supreme Court, and for each Circuit Court, shall consist of such Assembly District or Districts, or such part or parts of such Assembly District or Districts, as the Governor determines and declares, and is hereby authorised to determine and declare by proclamation from time to time.

District for any new Circuit Court or Court of Session.

(3) Where a circuit district is declared after the coming into operation of this Act pursuant to the power conferred by section forty-six of the Supreme

Court Act, 1935, or any other Act for the time being in operation, the Governor may by the proclamation declaring the circuit district, or by subsequent proclamation, declare what Assembly District or Districts or part or parts of an Assembly District or Districts, shall constitute the jury district for the Circuit Court of the circuit district so proclaimed.

11. (1) If an Assembly District part or the whole of which forms or is comprised in a jury district is altered or abolished pursuant to the Electoral Districts Act, 1947, or any other law for the time being in operation; the jury district, as constituted immediately prior to the alteration or abolition of the Assembly District, shall nevertheless remain as so constituted until varied by proclamation under this Act, and any Jurors' Book in force immediately prior to the alteration or abolition of the Assembly District shall continue to be the Jurors' Book for the jury district until a new Jurors' Book is prepared under this Act.

Transition provisions for alteration or abolition of Assembly Districts. Amended by No. 44 of 1973, s. 3.

(2) If a jury district is altered or abolished by proclamation under section twelve of this Act,

Transition provisions for alteration or abolition of jury districts.

- (a) jurors for whom summonses have been issued before the day on which the proclamation takes effect to attend for any sittings, shall on being served attend in accordance with the summons;
 - (b) trials to be held at the sittings shall be held, or if commenced before that day, shall be continued; and
 - (c) jurors for those trials shall be chosen;
- as if the proclamation had not taken effect.

12. The Governor may from time to time by proclamation

Power to vary jury districts.

- (a) alter the area of any jury district as for the time being constituted; and
- (b) include in, or exclude from, the area, the whole or any part of an Assembly District; and

- (c) abolish a jury district and include the area of the jury district wholly or partly in any other jury district.

PART IV.—JURORS' BOOKS, BOXES AND CARDS.

Jury officers.
Repealed
and
re-enacted
by No. 44 of
1973, s. 9.

13. The jury officers for the respective jury districts are—

- (a) for the Supreme Court, and the District Court sitting at Perth, the Sheriff; and
- (b) for the District Court sitting at a place other than Perth, and a Circuit Court at that place, the Registrar of the District Court at that place.

Chief
Electoral
Officer to
prepare
draft jury
rolls.
Amended by
No. 35 of
1959, s. 2.
No. 44 of
1973, s. 10.
Cf. Juries
Act, 1956,
Vict., s. 11.

14. (1) On or about the first day of November in each year the Sheriff

- (a) shall notify the Chief Electoral Officer of the number of jurors that in his estimate will be required for the draft jury roll mentioned in subsection (4) of this section, for each jury district except a jury district referred to in paragraph (1a) of this subsection; and
- (1a) in respect of each such jury district as he selects, having regard to the small number of persons in that jury district who appear to be qualified for service as jurors, shall notify the Chief Electoral Officer to prepare a list of all persons

who are shown in the electoral rolls for the Assembly District or Districts which, or parts of which, comprise the jury district, to be living in the jury district; and

who appear to be qualified for, and not exempted from, service as jurors; and

- (b) shall requisition from the Chief Electoral Officer the number of copies of lists mentioned in subsection (3) of this section which he requires.

(2) In the month of November in each year the Chief Electoral Officer shall by ballot in accordance with the provisions of subsection (2a) of this section, select jurors to the number so notified to him by the Sheriff for each jury district, other than a jury district referred to in paragraph (1a) of subsection (1) of this section, from all of the electors

who are shown in the electoral rolls for the Assembly District or Districts which, or parts of which, comprise the jury district; and

who appear to be qualified for, and not exempted from, service as jurors.

(2a) The Chief Electoral Officer shall select from each Assembly District or each part of an Assembly District which is comprised in a jury district, not being a jury district which is referred to in paragraph (1a) of subsection (1) of this section, a quota of the jurors required by the Sheriff ascertained to the nearest whole number by—

- (a) multiplying the number of electors on the roll of such Assembly District or shown on the roll to be residing in such part, by the number of jurors required by the Sheriff for the jury district; and
- (b) dividing the product obtained under paragraph (a) of this subsection by the total number of electors in the jury district.

(3) The Chief Electoral Officer shall—

- (a) prepare a separate list of persons so selected for each jury district, other than a jury district referred to in paragraph (1a) of subsection (1) of this section;
- (b) in respect of a jury district that is referred to in paragraph (1a) of subsection (1) of this section prepare a list of all persons

of whom the Sheriff has notified him to prepare a list under the provisions of that paragraph,

and shall cause to be printed and sent to the Sheriff before the last day of February in the next succeeding year, such number of copies of each list as the Sheriff so requisitions.

(4) The lists so prepared by the Chief Electoral Officer are the draft jury rolls for the respective jury districts.

(5) [*Repealed by No. 44 of 1973, s. 10.*]

(6) The Sheriff shall cause a notice to be served on the person informing such person that their name has been recorded on the draft jury roll and the procedure by which an exemption may be obtained.

Claims for exemption.
Cf. Juries Act, 1956, Vict., s. 13.

(7) A person whose name appears on a draft jury roll, and who claims to be disqualified or exempt from jury service,

- (a) may send a claim for exemption supported by a statutory declaration as to the facts on which the claim is based;
- (b) may send a certificate of permanent exemption from service as a juror previously issued pursuant to subsection (9) of this section;

to the Sheriff on or before the thirty-first day of March in the year in which the draft jury roll was opened for inspection.

(8) If it appears to the Sheriff that a person whose name appears on the draft jury roll is disqualified or exempt from serving as a juror, is dead, or no longer resides in the jury district or that the address of the person is unknown, the Sheriff shall cause the person's name to be removed from the draft jury roll.

(9) Where a person establishes a claim to exemption from serving as a juror on the ground—

- (a) that he is suffering from an infirmity which it appears to the Sheriff will permanently disable that person from so serving; or

- (b) that he is permanently disqualified or exempt because of his age from so serving; or
- (c) that he has been convicted of a crime or misdemeanour and has not received a free pardon,

the Sheriff shall issue a certificate of permanent exemption to that person but, if the Sheriff does so to a person who establishes his claim on the ground referred to in paragraph (c) of this subsection, the Sheriff shall cancel the certificate if the person receives a free pardon.

(10) Before the first day of July in every year the Sheriff shall cause to be prepared for, and sent to the jury officer of, each jury district a book to be called the Jurors' Book containing the names duly numbered in regular arithmetical series appearing on the draft jury roll as revised by the Sheriff; and the book shall be the Jurors' Book for the jury district until a new Jurors' Book has been prepared for the jury district in accordance with the provisions of this Act notwithstanding any alteration in the boundaries of the jury district during that year and shall be kept by the jury officer among the records of his office for use whenever required.

Annual
Jurors'
Book.
Cf. Juries
Act, 1956,
Vict., s. 14.

(11) Persons whose names appear in the Jurors' Book for a jury district are, subject to this Act, the jurors qualified and liable to serve on all juries empanelled for any trial, whether civil or criminal, within the jury district.

(12) A Jurors' Book compiled in accordance with the provisions of this Act on or before the first day of July in a year shall be used, subject to any adjustment made pursuant to subsection (6) of section five of this Act, for one year next following and thenceforward until a new Jurors' Book has been completed, but

- (a) without prejudice to the operation of section eleven of the Interpretation Act, 1918, a Jurors' Book may be compiled at any time after the passing of this Act, and before the first day of July, one thousand nine hundred

and sixty, being the date on which this Act was proclaimed to come into operation, and may be used until the thirtieth day of June in the year next following the year in which this Act was proclaimed to come into operation; and

- (b) the names of jurors summoned before the first day of July in any year, for any trial to be held on and after that first day of July shall be taken from the Jurors' Book in use under this Act at the date when those jurors were so summoned.

Chief Electoral Officer to prepare draft jury rolls for new districts.
Cf. Juries Act, 1956, Vict., s. 16.

15. (1) On any place being newly appointed to be a Court town the Chief Electoral Officer shall on the request in writing of the Attorney General prepare forthwith a list for a draft jury roll for the jury district assigned to the town; and shall deal with the list in the same manner as is required by this Act in respect of the preparation of annual draft jury rolls.

Sheriff to provide boxes for jurors' tickets.

(2) On the receipt of a list from the Chief Electoral Officer the Sheriff shall deal with the draft roll in the same manner as is required by this Act in respect of annual draft jury rolls, and shall revise the list and prepare a Jurors' Book within such times as the Attorney General directs and is hereby authorised to direct.

Jurors' tickets to be placed in boxes so provided.

16. (1) The Sheriff shall provide for each jury district two suitable boxes of a type to be approved by the Attorney General for use for the purposes of this Act, marked with the name of the district and labelled respectively, "Jurors in Use" and "Jurors in Reserve".

(2) The summoning officer shall cause to be printed or written upon separate tickets of as nearly as may be the same size and shape the name of the jury district and the several numbers contained in the Jurors' Book for the district, so that the tickets form a regular arithmetical series corresponding to the numbers in the Jurors Book and shall then place the tickets in the box marked with the name of the jury district and labelled "Jurors in Use".

(3) The summoning officer shall lock the box and keep the keys so that unless this Act provides otherwise, no other person shall have access to it.

(4) If at any time any of the tickets are lost the summoning officer shall replace them within two days after discovery of the loss.

17. Police officers shall render such assistance in the compilation of the jury lists and Jurors' Books and shall undertake such inquiries, and shall supply such information, as the Sheriff, or the Chief Electoral Officer or any jury officer, or summoning officer, requires, whether for the purpose of ascertaining the names of persons not qualified to serve as jurors, or for any other purpose of the administration of this Act.

Duty of police.

PART V.—NUMBERS OF JURY, PRECEPTS, PANELS AND SUMMONSES.

18. A jury for a criminal trial shall, subject to this Act and to section six hundred and forty-six of The Criminal Code, consist of twelve persons who shall be chosen and returned according to the provisions of this Act from the Jurors' Book for the jury district in which the trial is to take place.

Number of jurors for a criminal trial.

19. A jury for a civil trial shall, subject to this Act, consist of six persons who shall be chosen and returned, according to the provisions of this Act, from the Jurors' Book for the jury district in which the trial is to take place.

Number of jurors for a civil trial.

20. Where jurors are required for any criminal or civil trial or trials in the Supreme Court, a Circuit Court, or the District Court, a precept in the prescribed form shall be issued to the appropriate summoning officer referred to in section twenty-one

Precepts. Repealed and re-enacted by No. 44 of 1973, s. 11.

or in section twenty-five of this Act requiring him to summon a sufficient number of jurors to attend on the trial or trials—

- (a) by a Supreme Court Judge, in the case of a precept returnable in the Supreme Court or a Circuit Court; or
- (b) by a District Court Judge, in the case of a precept returnable in the District Court,

but where a sitting of the Supreme Court or a Circuit Court, and of the District Court coincide wholly or in part at the same place, a Supreme Court Judge may issue a precept for summoning jurors to attend both those sittings.

Summoning officer—who is.
Amended by No. 44 of 1973, s. 12.

21. Subject to section twenty-five of this Act—

- (a) the Sheriff is the summoning officer in respect of precepts returnable in the Supreme Court or returnable in the District Court sitting at Perth; and
- (b) the Registrar of the District Court sitting at a place other than Perth is the summoning officer in respect of precepts returnable in that Court or returnable in a Circuit Court at that place.

Matters to be specified in precept—time for issuing.

22. A jury precept—

- (a) shall specify the time when and the place where the attendance of the jurors is required; and
- (b) shall be issued and delivered to the summoning officer to whom it is directed fourteen days at least before it is returnable.

Number of jurors to be summoned.

23. Upon the receipt of a jury precept in respect of a criminal trial the summoning officer, unless otherwise directed by the precept, shall summon not less than twenty nor more than forty jurors.

Oral precepts and amending or enlarging panel.
Amended by No. 44 of 1973, s. 13.

24. The Supreme Court and every Judge thereof, and every Circuit Court and the Judge thereof, have and may exercise such power and authority as they

have prior to the coming into operation of this Act had and exercised, or as similar courts in England have, in making any award or order, orally or otherwise, for the return of a jury for the trial of any issue before any of those respective Courts, or for the amending or enlarging of any panel hereinafter mentioned; and the return to any award or order so made shall be made in the accustomed manner heretofore used in such or similar Courts respectively in England, but a person shall not be so returned as a juror unless he or she is qualified according to this Act to serve as a juror.

25. (1) If it appears to a Judge that a summoning officer to whom, but for this section, he would issue a precept to summon jurors for the trial of any issue, has any direct or indirect interest in the result of the trial other than an interest in his capacity as summoning officer or other than an interest in common with the public, he may issue the precept to such other person as he thinks fit to appoint and is hereby authorised to appoint as summoning officer.

Power of appointment of alternative summoning officer where summoning officer has interest in trial.
Amended by No. 44 of 1973, s. 14

(2) A person who is appointed as summoning officer, and to whom a precept is issued, under subsection (1) of this section, has and may exercise the powers conferred, and shall carry out the duties imposed, on a summoning officer by this Act in respect of the precept.

26. (1) Where a precept is delivered to the summoning officer for a jury for the trial of issues in a criminal trial he shall, in the manner prescribed by the succeeding subsections of this section, choose the persons to be summoned from those whose names

Procedure for choosing jurors for criminal trials.

appear in the Jurors' Book for the jury district in which the attendance of jurors is required by the precept.

(2) At a time and place which the summoning officer shall appoint, and in the presence of one of the senior officers of the Supreme Court if the summoning officer is the Sheriff, or, if not the Sheriff, in the presence of a Justice of the Peace, the summoning officer shall cause the box for the jury district on which the words "Jurors in Use" are marked to be agitated, or to be rotated, sufficiently to intermix the tickets in the box, and shall then draw out of the box one after another as many of the tickets in the box as are required to make up the number of men and women to be summoned as jurors so that as far as is practicable the number of men to be summoned bears to the number of women to be summoned, the ratio which the number of men whose names are entered in the Jurors' Book bears to the number of women whose names are entered in that Jurors' Book, and in every case draw out of the box a sufficient number of additional tickets one after another to be kept by him for use pursuant to subsection (3) of section twenty-seven of this Act, until after the precept is returnable, but so that as far as is practicable the number of additional tickets represent in that ratio men and women whose names are entered in the Jurors' Book.

(3) As each ticket not being an additional ticket is drawn the summoning officer shall refer to the corresponding number in the Jurors' Book and read aloud the name to which that number is assigned in the Jurors' Book, and shall, except in the case of an omission authorised by subsection (4) of this section or by subsection (1) of section twenty-seven of this Act, write or cause to be written on a panel which he shall sign, the number, and the name with the addition shown in the Jurors' Book in connection with that name, and shall keep the tickets corresponding to the numbers and names so written on the panel until after the precept is returnable.

(4) Where the number on a ticket corresponds in the Jurors' Book to the name of a juror whom the

summoning officer knows to be dead, or to have left the district, or to be exempted under this Act from liability to serve as a juror, or to be a woman whose liability to serve as a juror is cancelled under this Act, or to be a person whose name is to be omitted under subsection (1) of section twenty-seven of this Act, the summoning officer shall omit that name from the panel; and shall draw from the box a ticket in place of the ticket representing the man or woman whose name is so omitted but so that if practicable the ticket so drawn in its place shall represent a person of the same sex as that of the person whose name is so omitted; and shall make a special return to the Court of the names of the jurors whose names appear on the panel, and of the names of the jurors so omitted, stating the reason for the omission.

(5) The persons whose names appear on the panel shall be the jurors to be summoned and the summoning officer shall forthwith cause to be issued to each juror named in the panel a summons in the prescribed form.

27. (1) The summoning officer, of his own motion in the jury district for the Supreme Court, a Circuit Court, or the District Court, may on such evidence as he deems sufficient, omit from a panel any name in the Jurors' Book and excuse from attendance at any criminal trial any person who has been summoned as a juror.

Summoning officer may omit name from panel and excuse juror from attendance.
Amended by No. 44 of 1973, s. 15.

(2) The Court or Judge shall excuse from attendance as a juror at any trial a woman who before being sworn as a juror at the trial applies to be exempted from service on the jury because of the anticipated nature of the evidence or the issues to be tried, or on the ground that she is for medical reasons unfit to attend; or on the ground that attendance would seriously interfere with her domestic obligations.

(3) If at any time before the panel for any criminal trial is returnable the summoning officer excuses any juror from attendance, or ascertains that any juror cannot be served with a summons, he

shall choose in rotation from the jurors whose names correspond with the numbers on the additional tickets drawn out by him pursuant to subsection (2) of section twenty-six of this Act, such number of men and women as is required to complete the panel, but so as to preserve as far as is practicable, the ratio prescribed by that subsection; and shall place their names on the panel in substitution for the names of the jurors who are so excused, or who cannot be so served, and a juror whose name is so substituted shall be summoned accordingly and shall be bound to attend pursuant to summons notwithstanding that the summons was not served on him within the prescribed time.

Ticket of juror not attending to be returned to the box.
Amended by No. 44 of 1973, s. 16.

28. (1) If the summoning officer ascertains that any ticket drawn from a box bears a number corresponding to the name of a juror who cannot be served or does not attend when summoned, the summoning officer shall forthwith place the ticket in the box marked "Jurors in Reserve".

(1a) If any ticket drawn from a box has not been used for the purpose of completing the panel or has not been used in completing the panel because of the provisions of this Act requiring that, as far as is practicable, the number of names of men in the panel shall bear to those of women in the panel the ratio prescribed by subsection (2) of section twenty-six of this Act, the summoning officer shall forthwith return the ticket to the box from which it was drawn.

(2) The residue of the tickets drawn shall be placed by the summoning officer into the box marked "Jurors in Reserve" there to remain until all of the tickets in the box marked "Jurors in Use" have been drawn out in which case the summoning officer shall transfer the tickets then in the box marked "Jurors in Reserve" to the box marked "Jurors in Use", or until the tickets are required to be used afresh in connection with a new Jurors' Book.

29. (1) Where an issue in a civil trial is to be tried or damages are to be assessed by a jury, the jury shall be chosen in the manner prescribed by subsection (2) of this section.

Choosing of jurors for civil trials. Amended by No. 44 of 1973, s. 17.

(2) (a) At a time and place which the summoning officer shall appoint for the striking of the jury, he shall in the presence of the parties and of their respective solicitors if they choose to attend and if not, then in their absence, cause the box marked "Jurors in Use" to be agitated, or to be rotated sufficiently to intermix the tickets in the box, and shall draw out of the box one after another as many tickets as are required, but so that as far as is practicable, of the number required men and women, whose names are entered in the Jurors' Book, are represented in the ratio prescribed by subsection (2) of section twenty-six of this Act.

(b) The numbers so required shall be ascertained by adding to eight so many more as will enable each separate party to object to six names.

(c) Persons joining in claim, defence, or counter-claim, shall be regarded as forming one party; and a person who is introduced under third party procedure and who disputes the plaintiff's claim shall be regarded as separate from the other parties, but if two or more persons so introduced join in defence they shall be regarded as collectively forming a separate party.

(d) The summoning officer upon drawing the tickets out of the box shall prepare a list of the names corresponding with the numbers set against the names in the Jurors' Book and shall hand a copy of such list to each party.

(e) Each separate party may object to six names on the list and shall object by making a note in writing of the names to which he objects and shall hand the note to the summoning officer.

Mode of objecting to jurors.

(f) Where any party does not appear either in person or by his solicitor, the list of jurors may be reduced on his behalf by the summoning officer.

(g) The summoning officer without disclosing to any other party the names so objected to, shall

strike out those names from the list, and out of the residue the summoning officer shall summon six jurors and no more, but so that as far as is practicable, the number of men summoned bears to the number of women summoned the ratio prescribed by subsection (2) of section twenty-six of this Act, and shall not disclose to any of the parties the names of the persons summoned or to be summoned.

(h) If for any reason a juror so summoned cannot be served or is excused from attendance, the summoning officer may if any names not objected to remain on the list, summon another juror whose name remains on the list to serve instead of the juror who cannot be served or who has been excused, but so that if practicable, the juror summoned in substitution is of the same sex as the juror who cannot be served or who has been excused, and the juror so substituted shall be bound to attend pursuant to summons notwithstanding that the summons was not served on him within the prescribed time.

(3) The summoning officer

- (a) shall restore to the box marked "Jurors in Use" all of the tickets the numbers of which are set against the names of the jurors who have been objected to, and against the names of those who are not summoned, and also such of the tickets drawn from it but not used in preparing the list because of the provisions of this Act requiring that as far as is practicable, the number of the names of men on the list shall bear to the number of names of women on the list, the ratio prescribed by subsection (2) of section twenty-six of this Act; and
- (b) shall place the residue of the tickets in the box marked "Jurors in Reserve" there to remain until all of the tickets in the box marked "Jurors in Use" have been drawn out in which case the summoning officer shall transfer the tickets then in the box marked "Jurors in Reserve" to the box

marked "Jurors in Use", or until the tickets are required to be used afresh in connection with a new Jurors' Book.

(4) On the day appointed for the trial the summoning officer shall deliver to the proper officer the list of jurors summoned and not excused and the proper officer shall call the jurors one by one from the list and the jurors so called on being duly sworn shall be the jury.

30. The summoning officer shall cause a copy of every panel of jurors who have been summoned to attend at any session or sittings for criminal trials to be kept in his office for four clear days at least before the day appointed for the attendance of the jurors and the parties in all criminal trials at that session or sittings and their respective solicitors may inspect the panel without fee.

Right of parties to inspect panels for criminal trials.

31. Each juror whose name appears on any panel shall be summoned by the summoning officer by summons in or substantially in, the prescribed form which shall, except where this Act prescribes a shorter period, be served five clear days at least before his or her attendance is required, by the delivery of the summons to the juror personally.

Time for summoning jurors; mode of service. Amended by No. 44 of 1973, s. 18.

32. The Court before which or the Judge before whom a jurors' panel is returnable, whether for a criminal trial or for a civil trial, may excuse from attendance any person whose name is included in the panel.

Power of Court to excuse jurors.

33. (1) A summons issued for the attendance of a juror at a criminal trial shall be served by a police officer or Sheriff's officer who shall prepare and complete in the manner prescribed by subsection (2) of this section, a list referred to in this section as a "summons list" in, or substantially in, the prescribed form.

Summonses to jurors for criminal trials to be served by police or sheriff's officer "summons list". Amended by No. 44 of 1973, s. 19.

Juries.

- (2) The officer who serves the summons,
- (a) shall insert in the respective columns of the summons list the particulars indicated by the headings to each of those columns;
 - (b) shall certify the summons list in, or substantially in, the manner indicated in that form and shall sign and date the certificate; and
 - (c) shall then enclose the certified summons list together with any summonses which he has not been able to serve in an envelope which he shall seal and forthwith send by post or deliver to the summoning officer.
- (3) Production of a summons list so certified, signed, and dated, is *prima facie* evidence of the service of the summonses stated to have been served, and of the other facts stated, in the summons list.

Duty of
secrecy in
summoning
jurors.
Amended by
No. 113 of
1965, s. 8;
No. 44 of
1973, s. 20.

34. (1) Except for the purpose of carrying the provisions of this Act into effect, or in answer to any questions which he is lawfully compellable to answer, a police officer or Sheriff's officer who, having been entrusted with the serving of a summons to a juror, communicates or makes known, whether directly or indirectly, to any person any information or matter relating to jurors which has come to his knowledge in carrying out his duties in relation to the service of summonses to jurors commits an offence.

Penalty: One hundred dollars.

(2) If a summoning officer, or any of his assistants, or any officer or Justice of the Peace taking part in, or present at the choosing of a jury panel, reveals the names on the panel to any person, except for the purpose of carrying this Act into effect, or in answer to a question which he is lawfully compellable to answer, he commits an offence.

Penalty: One hundred dollars.

PART VI.—PROCEEDINGS AT CRIMINAL TRIALS.

35. On the day named in the precept for the appearance of the jurors for a criminal trial the summoning officer or his deputy shall in open court deliver the precept with the panel annexed to the proper officer; and give to the proper officer the names of the jurors written upon separate cards each card being as nearly as may be of equal size, and the proper officer shall then put the cards into a ballot-box to be used in accordance with the provisions of this Part.

Summoning officer to return precept and panel with cards.
Amended by No. 44 of 1973, s. 21.

36. (1) (a) On any criminal trial the proper officer shall in open court agitate the ballot-box sufficiently to intermix the cards in the box, and shall then according to the practice of the Court proceed to draw cards one after another out of the box and call aloud the name on each card.

Mode of empanelling jury for a criminal trial.
Amended by No. 44 of 1973, s. 22.

(b) Where a person whose name is called is present he or she shall indicate his presence.

(c) The proper officer shall continue thus until persons to the full number necessary to constitute a jury after excluding those who are challenged or excused, are present to serve as jurors at the trial.

(2) This Act does not affect the power of any Court at the prayer of those prosecuting for the Crown, to order any juror to stand aside until the panel has been gone through to the extent authorised by subsection (2) of section thirty-eight of this Act.

Standing aside of jurors.

(3) If before the full number of jurors has been empanelled for the trial, all of the cards have been drawn out of the ballot-box, the cards of those jurors who have been so ordered to stand aside shall be returned to the box and shall be redrawn and thereafter those prosecuting for the Crown shall not be entitled to pray the Court to order those jurors to stand aside but may still exercise any remaining right of challenge peremptorily or for cause.

(4) The full number so drawn and present on being duly sworn shall be the jury to try the issues on the trial.

How cards
to be dealt
with on
jury being
empanelled.

(5) The card bearing the name of any juror who has been called but not empanelled for the trial shall immediately after the full number of jurors has appeared and been sworn be returned to the ballot-box.

(6) The cards bearing the names of the persons empanelled shall be kept apart by themselves until the jury has given its verdict and the verdict has been recorded, or until the jury by consent of the parties or by leave of the Court is discharged, in either of which cases the cards shall then be returned to the ballot-box there to be kept with the other names remaining at that time undrawn, and so *toties quoties* as long as any case remains to be tried, except where a card bears the name of a person who has served for the limit of time prescribed by section forty-two of this Act, in which case the proper officer shall not return the card to the ballot-box until the close of the session or sittings, but shall make and sign and date a record of the card and the fact that he did not return it to the ballot-box and reason for not returning it.

Proceeding
with another
criminal
trial when
jury has
retired.

37. Where a jury has retired to consider its verdict in a criminal trial, the Court may before the jury which has retired has brought in its verdict or been discharged, proceed with any other criminal trial with a new jury drawn in manner prescribed by section thirty-six of this Act, from the residue of the jurors other than the members of the jury which has retired, and other than jurors who have served for the limit of time prescribed by section forty-two of this Act.

Right of
challenge.
Amended by
No. 44 of
1973, s. 23.

38. (1) Without affecting the right of challenge to the array or for cause shown which might have been claimed or exercised immediately prior to the coming into operation of this Act, and without affecting the right of those prosecuting for the

Crown to pray for an order to stand jurors aside to the extent authorised by subsection (2) of this section, any party at any criminal trial may challenge peremptorily eight jurors, except where two or more than two persons are charged with the same offence and are put on trial together in which case each of those persons may challenge peremptorily six jurors.

(2) Those prosecuting for the Crown have and may exercise in any case the right of challenge peremptorily of eight jurors and the right to pray for an order to stand four jurors aside.

(3) A right to challenge a juror must be exercised before the officer of the Court who is administering the oath, has begun to recite the words of the oath to the juror or where the juror reads the words of the oath from a card before the juror begins to recite those words, but not afterwards.

39. Where several persons charged with the same offence are put on trial together and do not consent to join in their challenges, the proper officer of the Court shall draw out of the ballot-box a sufficient number of cards to permit each of the several persons, or each combination of those persons who consent to challenge jointly to exercise the right of peremptory challenge to the appropriate number prescribed by section thirty-eight of this Act.

Accused persons severing in their challenges.

40. The law in the case of criminal trials respecting notice to an accused person of his right of challenge, and challenge to the array and to individual jurors for cause, and the ascertainment of facts as to challenge, and the swearing of the jury and informing them of the charge, and the discharge, death, or incapacity of a juror and the separation and confinement of the jury, and view by the jury, and special and general verdicts, and the discharge of the jury, is that which is set forth in The Criminal Code.

Incorporation of certain provisions of The Criminal Code.

Number of jurors required to agree on verdict in criminal trials.
Amended by No. 30 of 1961, s. 2.

41. Where a jury in a criminal trial, not being a trial for an offence punishable with death or for the offence of murder, has retired to consider its verdict and remained in deliberation for at least three hours and has not then arrived at a unanimous verdict, the decision of not less than ten of the jurors shall be taken as the verdict; and if after the jury has deliberated for three hours ten or more of the jurors have not agreed upon their verdict the jury may be discharged from giving a verdict unless in the opinion of the Judge or Chairman it is desirable that the jury should deliberate further, and he so directs.

Limit of attendance of jurors.
Repealed and re enacted by No. 44 of 1973, s.24.

42. A juror is not liable and shall not be required to attend for more than five days at the same sittings of the Supreme Court, a Circuit Court, or the District Court except for the purpose of finishing a part heard case.

Informalities in summoning jurors not to be cause for challenge.

43. (1) An omission, error, irregularity, or informality, in the time or mode of service of a jury summons, or in the summoning or return of a juror by a wrong name where there is no question as to his or her identity, or in or with respect to any precept, ticket, or panel, or any Jurors' list or Book or the preparation thereof, is not cause of challenge either to the array or to any juror, and does not invalidate or affect any verdict in any trial, whether civil or criminal.

Objection must be taken by challenge.

(2) A matter which may have been objected to by way of challenge to the polls, or to the array, as the case may be, but which was not objected to by way of challenge, does not invalidate or affect any verdict in any trial, whether civil or criminal.

PART VII.—PROCEEDINGS AT CIVIL TRIALS.

Deposit of expenses of a civil jury.

44. (1) (a) The party applying for or requiring a jury in a civil trial shall deposit with the summoning officer the prescribed sum per juror per diem and the deposit to cover the first day's payments shall be made on the striking of the jury.

(b) Unless a deposit is so made, the suit or action shall, notwithstanding the provisions of any other Act, proceed as if the application for a jury had not been made.

Cf. No. 36 of 1935; s. 42; and No. 73 of 1948, s. 35.

(2) That party shall also on the second and every subsequent day of the trial and before ten o'clock in the morning on each of those days pay to the summoning officer the prescribed sum to cover the fees and travelling expenses of the jurors for each of those days.

(3) If the sums mentioned in subsection (2) of this section are not paid as required by that subsection in respect of any day, the Court or Judge may, unless those sums are paid by any other party, discharge the jury and proceed to finish the hearing of, and determine, the trial without a jury, notwithstanding that the trial commenced with a jury, and notwithstanding the provisions of any other Act.

Cf. No. 36 of 1935, s. 42; and No. 73 of 1948, s. 35.

45. (1) In a civil trial if a party desires to challenge the array, he must do so before any juror is sworn for the trial.

Challenge to the array.

(2) A party in a civil trial has no right of challenge other than that which is provided under section twenty-nine, or under subsection (1) of this section, of this Act.

46. In a civil trial, if after a juror has been sworn it appears to the Court that he is not indifferent as between the parties, or that for any other good cause he ought not to be allowed or required to act as a juror on the trial, the Court may without discharging the whole of the jury, discharge that particular juror, and the trial shall proceed with the remaining jurors, being not less than four in number, and their verdict shall be taken as the verdict of a full jury and shall be a sufficient verdict.

Discharge of juror.

47. Jurors in a civil case after having been sworn may in the discretion of the Judge be allowed, at

Jurors may be allowed fire and refreshment.

any time before giving their verdict and when out of Court, the use of a fire or heating appliance and reasonable refreshment.

Incapacity
or non-
attendance
of juror.

48. In the event of death or illness of any juror during any civil trial, or if for any reason fewer than six of the jurors summoned attend at the commencement of the trial the Judge may, if he thinks fit, direct that the trial shall proceed with a number of the jurors reduced in no case to less than four, and any verdict given by, or answer to any question given by, or assessment of any damages made by, the reduced number of jurors shall be taken as the verdict, answer, or assessment of a full jury and shall be a sufficient verdict.

On a civil
trial
majority
decision to
be accepted
after three
hours.

49. Where the jury upon any civil trial has remained for at least three hours in deliberation and all of the jurors are unable to agree as to the verdict to be given or the answer to be given to any question submitted to them by the Court or Judge, or as to the amount of damages to be assessed, the decision of five of them if the jury consists of six jurors at the time when the decision is made; or the decision of four of them if the jury consists of five jurors or of four jurors at the time when the decision is made; as to the verdict, answer, or assessment, shall be taken and entered as the verdict, answer, or assessment, of the whole of the jury.

New trial
on disagree-
ment.

50. (1) Where a jury in a civil trial has remained in deliberation for such period as the Judge thinks reasonable, being not less than four hours, and five of the jurors of a jury of six, or four of a jury of five or of four, do not agree in any such verdict, answer, or assessment, as is referred to in section forty-nine of this Act, the Judge may discharge the jury.

(2) The case may then without any new process for that purpose be again set down for trial or assessment as the case may be, either at the same

or any subsequent sittings as the Court or Judge orders and is hereby empowered to order.

(3) The costs of any trial of a case or of any issue in respect of which a jury is discharged without returning a verdict, answer, or assessment, shall follow the order made as to costs on the final determination of the case or issue.

PART VIII.—VIEW, TALES.

51. (1) The Supreme Court or a Judge thereof or the District Court or a Judge thereof, as the case may be, may, on the application of a party to any civil trial, grant an order, before or at the trial, that any two or more of the jury shall at the expense in all things in the first instance of the party applying, have a view of any place or property in question; but the expenses of the view and of such order shall be costs in the cause.

View by jury on a civil trial. Amended by No. 44 of 1973, s. 25.

(2) The viewers shall be nominated by the parties or their respective solicitors, or in case they cannot agree, by the summoning officer and shall be shown the place by a person or by two persons so nominated for the purpose.

(3) If the order is made before the trial the names of the viewers shall be returned by the summoning officer, and they shall be the first in the panel who shall be called and sworn as jurors to try the issue, and shall not be challenged except for cause shown.

52. (1) If when a criminal trial is called on, a sufficient number of jurors summoned to attend the court are not present, or where because of challenges of jurors the case is likely to remain untried for want of a full jury, the Crown or any other party may pray a tales and the Court, or Judge, may command the summoning officer forthwith to appoint as many of the bystanders or as many persons as can be found, being in either case persons who are qualified and liable to serve as jurors for

Party in criminal trial may pray a tales. Amended by No. 44 of 1973, s. 26.

the jury district in which the trial is taking place, as are sufficient to make up the full number of jurors required by this Act for the trial.

(2) The Judge shall cause the names, and additions of the persons so appointed to be included in the jury panel and those persons shall be deemed to have been called upon the jury precept and shall be subject to challenge for cause and to any remaining right of challenge peremptorily.

PART IX.—OFFENCES, FINES, PENALTIES.

Neglect by officials to perform duties.
Amended by No. 113 of 1965, s. 8; No. 44 of 1973, s. 27.

53. If the Sheriff or any summoning officer, or the Chief Electoral Officer, or any jury officer, or police officer, does not well and faithfully carry out any duty imposed upon him by this Act, the Supreme Court or a Judge thereof may, unless a sufficient cause for the omission is shown, impose on him a fine not exceeding one hundred dollars.

Offences by Sheriff and others.
Amended by No. 44 of 1973, s. 28.

54. The Supreme Court or a Judge thereof may summarily inflict such fine as the Court or Judge deems fit upon the Sheriff or other summoning officer, or any jury officer, clerk, police or other officer, who without lawful justification or excuse—

- (a) includes or omits from any jurors' list or Jurors' Book any name or names which should or should not, as the case may be, appear therein, or causes any misdescription in a jurors' list or Jurors' Book; or
- (b) causes any alteration, omission, insertion, or misdescription in a jurors' list, Jurors' Book, jury summons, panel, card, or ticket; or
- (c) substracts, destroys, or permits any person to have access to, any jurors' list, Jurors' Book, jury summons, panel, card or ticket; or
- (d) directly or indirectly, takes or receives any money or reward, or any promise of or contract for money or reward, for excusing, or

under the pretence of excusing, any person from being summoned to serve, or from serving as a juror; or

- (e) fails to do or to permit the doing of any act, matter or thing in the manner or at or within the time prescribed; or
- (f) wilfully records the appearance of any person summoned and returned to serve as a juror, who did not really appear.

55. Any Court may impose summarily such fine as the Court thinks fit upon—

Penalties on jurors and others.

- (a) a person who, having been duly summoned to attend as a juror in the Court, does not attend in pursuance of the summons, or having been thrice called does not answer to his or her name; or
- (b) a talesman who being present and having been called does not appear, or wilfully withdraws himself or herself from the presence of the Court; or
- (c) a person who personates or attempts to personate a juror whose name is on a jury panel for the purpose of sitting as that juror; or
- (d) a viewer who, having been duly summoned, does not attend; or
- (e) a juror who knowingly receives or takes from any person whomsoever any sum whatever beyond that allowed by the prescribed scale under pretence of fees or remuneration for attending a trial.

56. (1) Where a fine is imposed on a juror for non-attendance at a Court, a summons may forthwith, or at any time afterwards, be signed and issued by the presiding Judge of the Court calling on the juror to show cause to the Court, or to the Supreme Court if the fine has been imposed for non-attend-

Fine for non-attendance may be remitted on cause shown. Amended by No. 44 of 1973, s. 29.

ance at a Circuit Court, on a day specified in the summons, why execution should not issue for the fine.

(2) To a summons so issued a memorandum shall be attached informing the juror that cause may be shown by affidavit sworn before a commissioner for affidavits or a Justice of the Peace and transmitted by post or delivered to the Registrar or Judge of the Court imposing the fine.

(3) The Judge of the Court upon reading the affidavit may if he deems fit remit or reduce the fine but in default of any order to that effect recovery of the full amount of the fine shall be enforced.

Restriction on news-papers publishing names or photos, etc., of jurors on criminal trials.
Amended by No. 30 of 1961, s. 3.

57. (1) A person who takes or causes to be taken or publishes or causes to be published any photograph or likeness or other pictorial representation of any person summoned to attend or empanelled as a juror for any trial whether civil or criminal commits a contempt of the Supreme Court and is punishable accordingly by that Court.

(2) If the court at which any person charged with any crime in respect of which the penalty of death may be inflicted or charged with the crime of murder and at which such person may be or is committed for criminal trial at any time before the rising of that court states that in the opinion of the court in the interests of justice it is undesirable that any report of or relating to the evidence or any of the evidence given at the proceedings before that court should be published then thereafter no person shall print, publish, exhibit, sell, circulate, distribute or in any other manner make public such report or any part thereof or attempt so to do.

(3) Without affecting any other liability of any person under this section or otherwise, a company or other body corporate is liable to any punishment or penalty for any offence under this section as if it were a private person so far as the punishment or penalty is enforceable against a company or body corporate; and if any director, manager, secretary, or officer, of a company or any member of the

managing body of a body corporate commits, or knowingly authorises or permits, an offence under this section he also is liable to the punishment or penalty for the offence.

(4) Nothing in this section applies to the publication of information with regard to any proceedings under this section whether for contempt of court or for a punishment or penalty.

PART X.—MISCELLANEOUS.

58. On a trial by jury, when no other mode of proceeding is specially provided, the jurors and jury, and every trial by them shall, as far as may be practicable, be subject to the same rules and manner of proceeding as would be observed in the High Court of Justice in England on a like trial.

Application of English procedure where no provision in W.A. law.

59. (1) Fines imposed under this Act by the Supreme Court, or a Circuit Court, or a Judge thereof, are enforceable in the same manner as a judgment or order of the Supreme Court for the payment of money or a penalty.

Recovery of fines. Amended by No. 44 of 1973, s. 30.

(2) Fines imposed under this Act by a District Court, or a Judge thereof, are enforceable in the same manner as a judgment or order of the District Court for the payment of money or a penalty.

(3) The provisions of subsections (1) and (2) of this section do not derogate from those of sections six hundred and eighty-two or six hundred and eighty-two A of The Criminal Code.

60. Nothing contained in this Act alters or affects the Coroners Act, or any of the laws in operation in the State relating to coroners' inquests.

Operation of Coroners Act.

Rules of
Court.
Cf. No. 36
of 1935, ss.
167 and 168.

61. The powers to make, alter, and annul rules conferred by Part X of the Supreme Court Act, 1935, include power to make such rules, and prescribe such forms, as are considered necessary or convenient for the purpose of carrying into effect the provisions of this Act.

Jurors'
fees and
allowances.

62. The Governor may by regulations under this Act prescribe the fees and allowances to be paid to persons summoned and attending as jurors in courts of civil jurisdiction, and as jurors in courts of criminal jurisdiction and on a coroner's inquest, and may differentiate the amount of the fees and allowances to be payable in prescribed parts of the State.

s. 2.

FIRST SCHEDULE.

<i>No. of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
50 Vict., No. 27	The Kimberley Districts General Sessions Act, 1886	The whole.
No. 10 of 1898	Jury Act, 1898	The whole.
No. 11 of 1905	Jury Act Amendment Act, 1905	The whole.
No. 35 of 1911	Jury Act Amendment Act, 1911	The whole.
No. 28 of 1913	The Criminal Code	Section 629.
No. 24 of 1921	Courts of Session Act, 1921	Sections 21, 22, 23.
No. 12 of 1928	Jury Act Amendment Act, 1928	The whole.
No. 36 of 1935	Supreme Court Act, 1935	Section 47.
No. 5 of 1937	Jury Act Amendment Act, 1937	The whole.
No. 10 of 1937	Jury Act Amendment Act (No. 2), 1937	The whole.
No. 10 of 1942	Jury (Emergency Provisions) Act, 1942	The whole.
No. 38 of 1953	Jury Act Amendment Act (No. 2), 1953	The whole.

s. 6.
Amended by
No. 44 of
1973, s. 31.

SECOND SCHEDULE.

PART I.

Chiropractors, registered as such according to law, if actually practising.

Civil Emergency Services—persons actually engaged thereon.

Clergymen in holy orders, and persons who preach or teach in any religious congregation, but only if they follow no secular occupation except that of a schoolmaster, and the wives of persons to whom this provision applies.

- Commercial aircraft—pilots, navigators, radio operators of.
- Court of justice—Judges of all, including Stipendiary Magistrates, and Judges' Associates and ushers, and the wives of persons to whom this provision applies.
- Dentists, registered as such according to law, if actually practising.
- Fire Brigades—officers and members of permanent.
- Justices of the Peace.
- Legal practitioners, enrolled in the Roll of Practitioners pursuant to the Legal Practitioners Act, 1893, and the wives of legal practitioners.
- Legislative Assembly—members and officers of.
- Legislative Council—members and officers of.
- Masters, officers, and members of crews of vessels actually trading.
- Medical practitioners, registered as such according to law, if actually practising.
- Mining managers and engine-drivers on mines in which not less than ten men are engaged in mining operations.
- Murdoch University—the academic staff and the Secretary of.
- Nurses, registered as such according to law, if actually practising.
- Parliamentary Commissioner for Administrative Investigations.
- Pharmaceutical chemists, registered as such according to law, if actually engaged in business.
- Pilots—harbour and marine.
- Schools—masters and teachers of.
- Sheriff's officers, Court bailiffs.
- Shire Clerks.
- Town Clerks.
- University of Western Australia—professors and lecturers and the Registrar of.
- Veterinarians, registered as such according to law, if actually practising.
- Persons incapacitated by disease or by infirmity, of mind or body, from discharging the duty of jurors.

PART II.

Such persons as are at any time exempted by or under any Act of the Parliament of the Commonwealth.

Commonwealth Act
No. 13 of
1965.

[*Third Schedule—Repealed by No. 44 of 1973, s. 32.*]

