

JURIES.

No. 64 of 1975.

AN ACT to amend the Juries Act, 1957-1973.

[Assented to 24th October, 1975.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Juries Act Amendment Act, 1975.*

Short
title and
citation.

(2) In this Act the Juries Act, 1957-1973 is referred to as the principal Act.

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1974.

(3) The principal Act as amended by this Act may be cited as the Juries Act, 1957-1975.

Commence-
ment.

2. (1) Subject to subsection (2) of this section this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Sections 3 and 4 of this Act shall come into operation on a date to be fixed by proclamation.

Section 3
amended.

3. Section 3 of the principal Act is amended—

- (a) by substituting for the word “district”, in line two of the interpretation “Circuit Court”, the word “town”; and
- (b) by deleting the interpretation “Circuit Court town”.

Section 10
amended.

4. Section 10 of the principal Act is amended—

- (a) as to subsection (3), by substituting for the word “district” in lines one, six, and ten, the word “town” in each case; and
- (b) by adding subsections as follows—

(4) The jury district for the District Court sitting at Perth shall be the same as the jury district for the Supreme Court.

(5) The jury district for the District Court sitting at a place other than Perth shall be the same as the jury district for a Circuit Court at that place.

Section 18
amended.

5. Section 18 of the principal Act is amended—

- (a) by adding after the section number “18.” the subsection designation “(1)”; and

(b) by adding subsections as follows—

(2) A Judge of the Court in which a criminal trial is to be held may direct that, in addition to the twelve jurors not more than three persons shall be chosen and returned as reserve jurors.

(3) Reserve jurors—

- (a) shall have the same qualifications;
- (b) shall be called and empanelled in the same manner;
- (c) shall be subject to the same challenges, stand asides, and liability to discharge;
- (d) shall take the same oath; and
- (e) shall have the same functions, powers, facilities, and privileges,

as jurors and for that purpose the law in respect of jurors shall apply to and in relation to reserve jurors with such modifications as are required by this section.

(4) Where reserve jurors are called the number of peremptory challenges, or the number of stand asides, permitted by section thirty-eight of this Act is not increased.

(5) Reserve jurors in the order in which they are called shall replace jurors, who, prior to the time the jury retires to consider its verdict, die or become incapable of, or disqualified from, or discharged from, performing their duties and section six hundred and forty-six of The Criminal Code does not apply prior to that time if there are sufficient reserve jurors to have a jury of twelve persons including replacements.

(6) When a reserve juror, who has not replaced a juror, dies or becomes incapable of, or disqualified from, or discharged from, performing his duties, the trial is not affected thereby.

(7) Immediately before the jury retires to consider its verdict, a reserve juror who has not replaced a juror shall be discharged. .
