ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER J15

JURY ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 17/2006, in force 31 October 2006
Act 7/2010, in force 1 November 2010
Act 7/2011, in force 2 August 2012
Act 8/2011, in force 3 October 2014
Act 13/2020, in force 6 May 2020

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JURY ACT

TABLE OF CONTENTS

PRELIMINARY MATTERS

SECTION

1. Definitions
2. Meanings of "prescribed manner"
3. Books, ballot box and counters

PART 1

QUALIFICATION OF JURORS

4. Qualification of jurors
5. Qualification of special jurors
6. Disqualification and exemption from serving as juror

PART 2

JURORS' REGISTER AND SPECIAL JURORS' LIST

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

PART 3

AMENDMENT OF JURORS' REGISTER

12. Amendment of jurors' register

PART 4

ARRAYS OF COMMON JURORS

13. Time of impanelling and number to be impanelled
14. Certain jurors not to be impanelled
15. Mode of impanelling
16. Preliminary panel
17. Panel of array

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PART 5

ARRAYS OF SPECIAL JURORS

18. Special jury in criminal cases
19. Special jury in civil cases
20. Mode of impanelling

PART 6

SUMMONING OF JURORS

21. Day for which jurors to be summoned
22. Service of summons

PART 7

TRIALS

23. Quashing of array
24. Impanelling of further jury
25. Number of jury
26. Peremptory challenges and standing by
27. Challenges for cause
28. Mode of impanelling juries
29. Alternate jurors
30. Swearing jury
31. View
32. Refreshment to jury
33. Death, absence or incapacity of juror
34. Separation of jury during adjournments
35. Verdict
36. Jury not agreeing may, in certain cases, be discharged
37. New trial in case of abortive trial

PART 8

EXCUSES OF JURORS

38. Excusing jurors

PART 9

FINES OF JURORS

39. Fines
40. Registrar to record fines
41. Reduction or remission of fines
42. Payment and recovery of fines

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PART 10

PAYMENT OF JURORS

43. Scale in civil proceedings
44. Deposit in advance of jury money
45. Payment of jurors during trial
46. Costs consequent on trial by jury
47. Rules for payment of jurors out of public funds

PART 11

GENERAL PROVISIONS

48. Trial of aliens
49. Affirmations in lieu of oath
50. Kissing the Book in swearing
51. Penalty for influencing jurors
52. Trial not invalid by irregularity in preparation of list
53. Citation
SCHEDULE 1: Persons Disqualified or Exempt From Jury Service
SCHEDULE 2: Jurors' List for the Year 20…
SCHEDULE 3: Certification
SCHEDULE 4: Preliminary Panel

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JURY ACT

PRELIMINARY

Definitions

1. In this Act—

"alphabetical order" means alphabetical order of surnames;

"civil proceeding" means any proceeding other than a criminal proceeding;

"counters" means slips, disks or pieces of wood, metal, paper, parchment, bone, ivory, or other similar substance;

"Court" means the High Court;

"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;

"prescribed particulars" means the place of abode and the title, quality, calling or business;

"proceeding" includes cause, matter or issue of fact in the Court;

"Registrar" means the Registrar of the High Court and includes a representative authorized in writing by the Registrar;

"special jurors' list", when not qualified by the addition of a year, means the special jurors' list for the time being in force.

Meanings of "prescribed manner"

2. (1) The "prescribed manner" of distinguishing as a special juror in any list made under section 8, and in any jurors' register, a person whose name is therein included, is by writing the letters "S.J." in the column headed "Remarks", opposite to the name of that person.

(2) 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.

Books, ballot box and counters

3. (1) The Registrar shall, if and when necessary, at the expense of Anguilla, provide himself with a jurors' book, a special 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 so provided shall be numbered, respectively, in an arithmetical series from 1 upwards, and shall be as far as possible exactly similar each to the other, except as regards the numbers, so as not to be distinguishable to the touch.

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PART 1

QUALIFICATION OF JURORS

Qualification of jurors

4. Every person who has attained the age of 18 but is not more than 60 years of age, not hereinafter disqualified or exempted, who is qualified to be a voter under the Constitution of Anguilla and any law of Anguilla providing for the registration of voters for the election of members to the House of Assembly, whether his or her name appears on the list of such voters or not, shall be qualified and liable to serve as a juror on juries for the trial and determination of proceedings before the Court.

Qualification of special jurors

5. (1) Every person who has attained the age of 18 but is not more than 60 years of age, not hereinafter disqualified or exempted, who is qualified to be a voter under the Constitution of Anguilla and any law of Anguilla providing for the registration of voters for the election of members to the House of Assembly, whether his or her name appears on the list of such voters or not, shall be qualified and liable to serve as a special juror on juries for the trial and determination of proceedings before the Court but there shall be a qualification by income that shall in all cases be not less than $240 a year inclusive of the value of any board or lodging to which that person is lawfully entitled under the terms of his employment.

(2) Every person liable for the time being to serve as a special juror shall also be liable to serve as a common juror.

Disqualification and exemption from serving as juror

6. The persons described in Part 1 of Schedule 1 are disqualified, and the persons described in Part 2 of that Schedule are exempt, from serving on a jury.

PART 2

JURORS' REGISTER AND SPECIAL JURORS' LIST

Jurors' list

7. Between the 1st and 22nd days of June of every year, the Registrar —

(a) shall make out, in the form in Schedule 2, a list, for the ensuing calendar year, in alphabetical order, of all persons resident in Anguilla, who, in his opinion, are liable to serve as common jurors, with the first and middle given names and surname, and the prescribed particulars, of each such person set forth, to the best of his knowledge and belief, in the proper columns of the list, and shall also distinguish in the list, in the prescribed manner, such of the persons as are, in his opinion, also liable to serve as special jurors, but the list of common jurors or special jurors shall only be considered completed, before revision by the Magistrate as hereinafter provided, when approval of the list is given in writing by the Attorney General of Anguilla to the Registrar; and
(Am. in L.R. 15/12/2006)

(b) when the list is complete, shall write at the end thereof a notice, in the form in Schedule 2, stating the day on which the list will be revised by the Magistrate as hereinafter

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provided, 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 as hereinafter provided.

Publication of jurors' list

8. (1) As soon as practicable after the Registrar has completed any such list and notice, he shall publish the same by causing a copy thereof to be inserted in at least one issue of a newspaper circulating in Anguilla, or, in the *Gazette*, or, by causing a copy of the list and notice to be posted in a conspicuous place at, or near, the door, or one of the doors, of the Court House in Anguilla, and in such other place or places as the Governor may direct.

(2) When the list and notice are published by copies being posted as aforesaid, the copies shall be kept posted until after the list has been revised as hereinafter provided.

Revision of jurors' list

9. (1) When any such list and notice have been made out and published by the Registrar, as aforesaid, then, at the first sitting of the Magistrate's Court which shall be held after the expiration of 14 days from the day of the publication aforesaid—

(a) the Registrar shall produce to the Magistrate the original list and notice; satisfy the Magistrate as to the day on which the list and notice were published as aforesaid; and answer such questions as may be put to him by the Magistrate touching the list; and

(b) the Magistrate shall revise the list and shall upon any evidence which may be adduced before him, or of his own knowledge, information and belief—

(i) strike out from the list the name of any person therein included, who, in the opinion of the Magistrate, is not liable to serve as a common juror,

(ii) add to the list the name of any person, who, in the opinion of the Magistrate, is liable to serve as a common juror but, where the name of any person is so added, the first and middle given names and surname, and the prescribed particulars, of each such person shall be set forth in the proper columns of the list, to the best of the Magistrate's knowledge, information and belief,

(Am. in L.R. 15/12/2006)

(iii) decide which of the persons, whose names were originally included in, or have been added by him to the list, are also liable to serve as special jurors, and see that the name of each of the persons who, in his opinion, are so liable is distinguished in the list in the prescribed manner, and that the name of no other person included in the list is so distinguished, and

(iv) correct any error or omission which shall appear to him to have been made in respect of the prescribed particulars of any person included in the list,

but, before making any alteration in the list, the Magistrate shall hear any objection which the Registrar may make thereto.

(2) Any person may appear at the revision personally and claim, and adduce evidence to show, that he is, or is not, liable to serve as a common juror, or as a special juror, as the case may be, and in

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any case where any claim is made under this subsection, the burden of proof shall lie on the person making it.

(3) The Magistrate may call any evidence that he may think fit with respect to any matter touching the revision.

(4) As soon as the list has been revised by the Magistrate as aforesaid, he shall in writing under his own hand put his signature on every page of the revised list and shall also write a certificate thereon in the form set out in Schedule 3 and shall return the list to the Registrar.

Jurors' register

10. (1) On the receipt of the list so revised signed and certified as aforesaid, the Registrar shall cause the following heading to be inserted in his own hand duly signed by him—

"Jurors' Register of Anguilla for the calendar year ending 31st December of the year next ensuing containing ……. pages.

……..…..……
Signature of Registrar."

(2) The Registrar shall then file the list as aforesaid in the Registry of the High Court and this list shall be the jurors' register, and every jurors' register shall continue and remain in force until the next jurors' register has been made up.

(3) Every person whose name is included in the jurors' register shall, while the register is in force, be liable to be summoned to serve as a common juror as hereinafter provided.

Special jurors' list

11. (1) As soon as any jurors' register has been completed under section 10, the Registrar shall cause a list to be made, in the special jurors' book, of the names of the persons included in the register, and therein distinguished, in the prescribed manner, as special jurors. In the list the names shall be copied in alphabetical order, and opposite to each name, shall be written the prescribed particulars copied from the jurors' register, and the number "1" shall be prefixed to the first name and the number "2" to the second name, and so on, in an arithmetical series until the last name is numbered. The list so made in the special jurors' book shall be headed "Special Jurors' List for the year ……" (filling in the year stated in the heading of the jurors' register) and shall be known as the special jurors' list for that year, and shall continue in force during that year.

(2) Every person, whose name is included in the special jurors' list, shall, while the list is in force, be liable to be summoned to, and serve at a sitting of the Court as a special juror as hereinafter provided.

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PART 3

AMENDMENT OF JURORS' REGISTER

Amendment of jurors' register

12. (1) At any time while a jurors' register is in force—

(a) the Registrar stated in the heading of the register, if he has cause to believe that any person, whose name is included in the register, is dead, or has permanently ceased to reside in Anguilla, or is permanently disabled from serving as a juror by unsoundness of mind, or by blindness, deafness, or other bodily infirmity, shall bring the matter to the notice of the Magistrate, at the same time producing the register; and

(b) the Magistrate shall thereupon inquire into the matter, and if, either upon evidence adduced, or of his own knowledge, information and belief, he is of opinion that the person is dead, or has permanently ceased to reside in Anguilla, or is permanently disabled from serving as a juror by unsoundness of mind, or bodily infirmity, as aforesaid, may 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 signature and the date.

(2) When any entry in a register is cancelled under this section, the Registrar shall thereupon cancel the corresponding entry (if any) in the special jurors' list for the same sitting, and shall also, if the name of the person to whom the entry relates is included in the last preliminary panel made for the same sitting, and is not therein marked "Impanelled", cancel the name where it occurs in the panel.

PART 4

ARRAYS OF COMMON JURORS

Time of impanelling and number to be impanelled

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

(2) Subject to section 15(4), every array of common jurors shall consist of 30 persons, but any Judge may, by an order in writing under his hand, direct a greater number to be impanelled for any sitting of the Court specified in the order and, when any such order has been made, the number directed in the order shall be impanelled accordingly.

Certain jurors not to be impanelled

14. (1) Subject to section 15(4), the Registrar shall not impanel in an array of common jurors any juror who is known, or believed, by him to be temporarily absent from Anguilla, and not likely to return in time to be summoned to attend the sitting of the Court.

(2) 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 such businesses, has been

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impanelled to serve on an array, shall not excuse another juror, employed in another of such businesses, from being impanelled in the same array.

(3) Any person carrying on, or for the time being, in charge of, any business in Anguilla, 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 next proceeds to impanel a jury, make such enquiries as he may think fit, and act accordingly.

Mode of impanelling

15. (1) When the Registrar is impanelling an array of common jurors, he shall make in the preliminary panel book a preliminary panel in the form in Schedule 4, in which he shall, after any names which under section 16 are to be inserted therein, insert as many more names as may be required, taken alternately from the first and the last parts of the jurors' register, as follows, namely—

(a) he shall ascertain which of the persons whose names are included in the first part of the jurors' register was impanelled last, at the last impanelling of an array of common jurors in Anguilla, in the same year, and shall insert in the preliminary panel, as the next name, the name which in the register immediately succeeds the name of such person;

(b) he shall next ascertain which of the persons whose names are included in the last part of the register was impanelled last, at the last impanelling aforesaid, and shall insert in the preliminary panel, as the next name, the name which, in the register, immediately precedes the name of such person;

(c) he shall insert in the preliminary panel, as the next name, the name, which in the register is the second name below the name of the person first ascertained, as above provided, and as the next name, the name which in the register is the second name above the name of the person last ascertained, as above provided, and so on, until as many names as may be required are inserted in the preliminary panel, but, if and whenever, this is no longer possible, he shall insert in the preliminary panel the first name in the register, and next the last name in the register, and next the second name in the register and next the last name but one in the register, and so on, until as many names as may be required are inserted in the preliminary panel.

(2) As each name is included in the preliminary panel, whether taken from the last preceding preliminary panel as prescribed in section 16, or from the register as prescribed in subsection (1), the Registrar shall—

(a) if there is no objection under section 14 to the person named being impanelled, write the word "Impanelled" opposite the name in the preliminary panel; or

(b) if the person named is known by the Registrar to be temporarily absent from Anguilla and not likely to return in time to be duly summoned to the sitting of the Court, the Registrar shall write in the preliminary panel opposite the name of the person so absent, instead of the word "Impanelled", the words "Temporarily absent".

(3) When 30 names inserted in the preliminary panel have been marked "Impanelled", as aforesaid, the preliminary panel shall be complete.

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(4) Notwithstanding anything hereinbefore contained, if, when the Registrar is impanelling an array of common jurors to serve at a sitting of the Court, the number of jurors, whose names are included in the jurors' register of Anguilla, does not exceed 30, the Registrar shall impanel, as the array to serve at the sitting of the Court in question, all the jurors whose names are included in the register, and such array shall be good and valid, although the number impanelled is less than 30.

Preliminary panel

16. Every preliminary panel shall be made in the preliminary panel book of Anguilla, and shall be signed and dated by the Registrar, and, whenever the Registrar is making out a preliminary panel under this section, if there are any names included, but not marked "Impanelled" in the last preceding preliminary panel, the Registrar shall insert such names, or such of them as have not been cancelled under section 12 as the first names in the new preliminary panel, in the same order in which they occur in the last preceding preliminary panel.

Panel of array

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

(2) When an array is impanelled under section 15(4) the names of the persons impanelled shall be entered in the prescribed manner in a panel of array.

PART 5

ARRAYS OF SPECIAL JURORS

Special jury in criminal cases

18. In any criminal proceeding, any Judge may, upon the application of the Crown or the person charged, order the proceeding to be tried by a special jury and, if he shall think fit, appoint a special day for the trial.

Special jury in civil cases

19. (1) Any party to any civil proceeding who is entitled to have it tried by a Judge and jury may, subject to section 44(1), have the proceeding tried by a judge and special jury on giving notice in writing to that effect to the other party to the proceeding and to the Registrar in which the trial is to be held, if such notice is given not less than 14 days before the day fixed for the holding of the sitting of the Court at which the proceeding is to be tried.

(2) A Judge may, at any time, on the application of any party to any civil proceeding, order, subject to section 44(1), that the proceeding be tried by a Judge and special jury upon such terms as he may think fit, and may appoint a special day on which the trial shall commence.

(3) The time specified in subsection (1) may be varied by rules of Court.

Mode of impanelling

20. (1) Whenever an order has been made for the trial of any proceeding by a Judge and special jury, or whenever notice has been given pursuant to section 19(1), the Registrar shall, subject to section 44(1), appoint a time for impanelling the array of special jurors pursuant to such order, or notice, and

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shall give notice of the time so appointed to every party to the proceeding, and at the time so appointed shall proceed to impanel the array as follows—

(a) he shall put into the ballot box, for every name included in the special jurors' list for the sitting of the Court, a counter inscribed with a number corresponding to the number prefixed to that name in the list, and, having thoroughly intermixed the counters, shall draw out of the box, one by one, 30 of the counters, and, as each counter is drawn, write down in a list the number inscribed on the counter and the name in the special jurors' list to which that number is prefixed, but, if the number of names in the special jurors' list is less than 30, the Registrar shall first enter in the list all the names included in the special jurors' list and shall then fairly and indifferently select such a number as, in addition to those whose names are already entered in the list then being prepared, will make up the full number of 30, and shall enter in the last-mentioned list the name of each person so selected;

(b) the plaintiff in the proceeding shall then be at liberty to strike out one of the 30 names contained in the list and the defendant in the proceeding, another, and so on alternately, until 18 names have been struck out, but —

(i) if either the plaintiff or the defendant is absent or unrepresented or does not exercise his right, the Registrar shall strike out on his behalf, and

(ii) if in the case of a criminal proceeding, the word "plaintiff" means the Crown and the word "defendant" the person charged;

(c) the Registrar shall then cause the 12 names remaining in the list to be entered in the prescribed manner in a panel of array;

(d) the persons whose names are included in the panel shall be the array of special jurors to be summoned for the trial of the proceeding;

(e) the Registrar shall, on demand of any party to the proceeding, supply him with a copy of the panel as soon as possible after the panel is complete;

(f) any party to the proceeding who is dissatisfied with the manner in which the array has been impanelled or with the conduct of the Registrar in impanelling it may apply to a Judge, who may, if he sees sufficient grounds, set aside the impanelling and order another array to be impanelled and give such directions in the matter as he may think fit.

(2) Whenever, in any proceeding, an array of special jurors has been impanelled, the parties to any other proceeding which is to be tried with a special jury at the same sitting of the Court as the first-mentioned proceeding may agree in writing that the array impanelled in the first-mentioned proceeding shall be impanelled as the array in the proceeding to which they are parties, and, on the agreement being filed, the Registrar shall, subject to section 44(1), impanel the array accordingly.

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PART 6

SUMMONING OF JURORS

Day for which jurors to be summoned

21. As soon as an array, whether of common or special 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 Court, unless, in the case of an array of special jurors, another day has been appointed by a Judge, in which case the jurors included in the array shall be summoned to attend on that day.

Service of summons

22. A summons to attend as a juror shall be signed by the Registrar and may be served either—

(a) by being delivered to the juror, or left at his usual place of abode at least 6 days before the day on which the juror is summoned to attend; or

(b) through the post office in the manner and on the conditions following—

(i) the summons and the duplicate thereof shall each be legibly addressed to the juror at his place of abode as described in the jurors' register, or, at such other address as the Registrar shall, after enquiry, believe to be correct, and the summons and the duplicate thereof shall each have the words "Jury Summons" legibly written thereon on the same side as the address,

(ii) the summons, together with the duplicate thereof, shall be delivered to the postmaster of the principal post office in Anguilla at his office during business hours at least 8 days before the day on which the juror is cited to attend,

(iii) the postmaster shall compare the address on the duplicate with the address on the summons, and if they both agree, and if the summons and the duplicate both have legibly written thereon the words "Jury Summons" shall stamp the duplicate with the stamp of the post office, and return it to the person who brought it to him, and shall keep the summons for transmission to its address, treating it in all respects as a registered letter except that it shall be forwarded open and that no fee shall be charged,

(iv) if it is reported to the postmaster that any summons so kept by him has not been delivered at its address, the postmaster shall endorse thereon the cause of the non-delivery, and forward it without delay to the Registrar, who shall forthwith endorse on the face of the duplicate the words "Not delivered" and sign and date such endorsement,

(v) a duplicate purporting to be a summons to a juror, stamped as hereinbefore provided and not endorsed "Not delivered" as hereinbefore provided, shall be *prima facie* evidence that the summons was duly served on the juror,

but no such summons shall be served through the post office in any part of Anguilla, in the manner herein provided, unless and until the Governor shall, in writing, notify the

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Postmaster that jury summonses may be served through the post office or in that part thereof, and the Governor may cancel, alter, or amend such notification at any time.

PART 7

TRIALS

Quashing of array

23. Every application made at Court for the quashing of an array shall be heard and determined by the presiding Judge, and no array shall be quashed on the ground of any formal defect or of any breach of any of the provisions of this Act, unless the presiding Judge is satisfied that it is expedient, on the merits and in the interests of justice, that the array should be quashed.

Impanelling of further jury

24. If a proceeding is brought on for trial before the jury impanelled for the trial of any other proceeding have been discharged, the presiding Judge may order another jury to be impanelled from the jurors who are not then impanelled.

Number of jury

25. Every jury impanelled for the trial of any proceeding shall consist of 9 persons and no more.

Peremptory challenges and standing by

26. When a common jury is being impanelled for the trial in the Court of any person or persons charged with any offence—

(a) the person charged, or each of the persons charged, may peremptorily and without assigning cause challenge any number of jurors not exceeding 3;

(b) the Crown shall have the same right as on 1st July, 1914 it had in England, to ask that jurors stand by until the panel has been "gone through" or perused.

Challenges for cause

27. When a jury is being impanelled for the trial of any proceeding, any juror whose name has been drawn as hereinafter provided may be challenged for cause by any of the parties to the issue and, where any such challenge is made, the same shall be inquired into by the presiding Judge, who, after hearing any evidence which may be adduced, may allow or disallow such challenge and the decision of the Judge as to what is or is not sufficient cause shall be final.

(2) In this section "cause" means anything which, in the opinion of the presiding Judge, renders it improper, or inadvisable, that the person challenged should be impanelled for the trial of the proceeding.

Mode of impanelling juries

28. (1) A jury for the trial of a proceeding shall be impanelled as provided in this section.

(2) The Registrar shall place in the ballot box, for every name included in the panel of the array, whether it be an array of common or special jurors, a counter inscribed with a number corresponding

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to the number prefixed to the name in the panel, and, having thoroughly intermixed the counters, shall proceed to draw one by one out of the box 9 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. The juror named shall then enter the jurors' box, but, if any 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 or are challenged by the person or persons charged as provided in section 26, the Registrar shall proceed in the manner above-mentioned until 9 jurors have been drawn and approved as indifferent. If, from any cause, the full number of 9 cannot be made up from the jurors included in the array, the presiding Judge may require as many other jurors present to serve on the jury as may be necessary to complete the full number, and every juror so required shall be liable to serve as a juror for the trial of the proceeding, and shall, as soon as his name is called, enter the jurors' box, subject to the peremptory challenges and standing by provided in section 26.

(3) When a juror is named and enters the jurors' box, if any challenges are made, whether peremptorily or for cause, as each challenge is made, it shall be heard and determined and, if the challenge is allowed, the juror challenged shall leave the box and another juror be selected in the manner above-mentioned and, on his entering the box, the next challenge, if any, shall be made and determined and, if it is allowed, the juror challenged shall leave the box and another juror be selected in his stead, in the manner above-mentioned, and shall enter the box.

(4) As soon as 9 men 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.

(5) In every criminal proceeding, the person charged shall, before any juror is sworn, be informed of his 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 presiding Judge, begun to administer the oath to any of the jurors impanelled.

(6) Notwithstanding anything hereinbefore contained, where, at any sitting of the Court, no objection shall be made by any party to a proceeding, the proceeding may be tried by the Judge with the same jury that, at the same sitting of the Court has previously tried, or been drawn to try, another proceeding, or 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. 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).

Alternate jurors

29. (1) Notwithstanding section 25, the Court shall direct that—

(a) in a capital case, not more than 4 jurors in addition to the common jury, be called and impanelled to sit as alternate jurors; and

(b) in a non-capital case, not more than 3 jurors, in addition to the common jury, be called and impanelled to sit as alternate jurors.

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(2) Without prejudice to section 33(1), alternate jurors, in the order in which they are called, shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties.

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

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

(5) In relation to alternate jurors, the prosecution and the accused, in addition to the challenges permitted under section 28, shall be entitled as follows—

(a) where one person is indicted, each indicted person shall be entitled to one peremptory challenge; and

(b) where two or more persons are jointly indicted—

(i) each indicted person shall be entitled to not more than one peremptory challenge, and

(ii) the prosecutor shall be entitled to one peremptory challenge in respect of each person charged.

(Act 13/2020, s. 2)

Swearing jury

30. Jurors impanelled for the trial of any proceeding shall be sworn in the same manner, subject to section 50, and with the same form of oath, in and with which jurors, impanelled in England for the trial of a similar proceeding might, on 1st July, 1914, be sworn.

View

31. Whenever, at the trial of any proceeding, the presiding Judge is of opinion that it is expedient, in the interests 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 view to be made accordingly, under such conditions as to costs, and generally, as he shall think fit.

Refreshment to jury

32. After a jury has been impanelled and sworn for the trial of a proceeding, they may, in the discretion of the presiding Judge, and subject to such conditions as he may think 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 at their own expense.

Death, absence or incapacity of juror

33. (1) If, during the trial of any proceeding, not being the trial of a capital charge, one of the jury shall die, or become incapable of serving, or shall absent himself, it shall not be necessary to discharge the jury, or to add thereunto another juror, but the trial shall be proceeded with by the remaining 8 jurors notwithstanding such death, absence or incapacity.

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(2) Where more than one member of the jury dies or is discharged by the Court through illness or other sufficient cause, an alternate juror may be impanelled in accordance with section 29.
(Act 13/2020, s. 3)

Separation of jury during adjournments

34. (1) Whenever, at any sitting of the Court, the trial of any person charged with any offence, other than murder or treason, 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, if the following oath has been previously administered to them in open Court—

> "You swear that, during any adjournment of this trial of the issue joined between Our Sovereign Lady the Queen and the prisoner at the bar (*or* defendant *as the case may be*) which you have been sworn to try, you will not, whilst separated and until you shall be assembled in Court again, speak with, listen to, or hold any communication, verbal, written or otherwise, with any person whomsoever, other than your fellow jurors impanelled and sworn for the trial of the said issue, on any matter whatever relative to the said trial; and that, upon the termination of every adjournment of the said trial, you will again come into this Court. So help you God.".

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

(3) If any juror shall refuse to take the oath, his refusal shall not prevent the separation or departure of so many of the jurors as shall have taken it, but the juror so refusing shall be kept, during such adjournment by the proper officers sworn, in the usual manner, neither themselves to speak to, nor hold any communication with, such juror touching any matter relative to the trial.

Verdict

35. A verdict of a jury shall not, in any proceeding, be accepted within 2 hours after the conclusion of the Judge's summing up, unless it is unanimous; but, after the expiration of 2 hours from the conclusion of the summing up, any verdict in which 7 of them agree may be accepted as the verdict of the whole, unless it is the verdict of guilty, or not guilty, of a capital charge, which shall not be accepted at any time unless it is unanimous.

Jury not agreeing may, in certain cases, be discharged

36. If, in any proceeding, no verdict is delivered by a jury within 4 hours after the conclusion of the summing up of the presiding Judge, and the Judge is satisfied that there is no prospect of the jury agreeing, he may discharge them.

New trial in case of abortive trial

37. Whenever, from any cause, the trial of any proceeding shall prove abortive, the presiding 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 Court, in the same manner as if the former abortive trial had not taken place.

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PART 8

EXCUSES OF JURORS

Excusing jurors

38. No juror, duly summoned to attend at a sitting of the Court, shall be entitled to be excused from attendance thereat, on the ground of any exemption, or disqualification, or on any other ground, save and except illness or unavoidable accident, but the Judge presiding at a sitting of the Court, or, before the commencement of the sitting, any Judge, or, if no Judge is present in Anguilla, the Registrar, may, upon reasonable and sufficient cause being shown upon oath, or where the cause is the state of the jurors' health, on a certificate purporting to be signed by a duly qualified medical practitioner, exempt a juror summoned to attend thereat from attendance during the whole or any part of the sitting.

PART 9

FINES OF JURORS

Fines

39. (1) As soon as may be convenient after the opening of a sitting of the Court, the names of the jurors impanelled to serve thereat shall be called, and every juror who, having been duly summoned, does not answer to his name after it has been thrice called, may be fined by the presiding Judge any sum not exceeding $250.

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

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

(b) every juror present in Court and required by the Judge to serve on a jury under section 28;

who fails to answer to his name when called, or refuses to enter the jury box, or leaves the jury box without the permission of the Judge, or refuses to be sworn for the trial of the proceeding, may be fined by the presiding Judge any sum not exceeding $9,600.

(3) Every juror sworn to try a proceeding at a sitting of the Court, who shall leave the jury box without the permission of the presiding Judge, or 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 presiding Judge any sum not exceeding $9,600.

Registrar to record fines

40. Whenever a juror is fined under section 39, the Registrar shall record in his minute book the name of the juror and the amount and cause of the fine.

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Reduction or remission of fines

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

(3) Whenever a Judge, under this section, reduces, or remits, any fine, he shall give due notice of such reduction or remission to the Registrar in which the fine was imposed, and the Registrar shall thereupon duly note the remission or reduction, accordingly, in the margin of his minute book, opposite to the entry therein of the imposing of the fine.

Payment and recovery of fines

42. (1) Where, at any sitting of the Court, any 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 next sitting of the Court, and, in case of default, the Registrar shall immediately after the closing of the last-mentioned sitting of the Court issue a warrant, directed to the Provost-Marshal, requiring him to levy by distress and sale of the goods and chattels of the juror, the amount of the fine, or, if the fine has been reduced, the amount to which the fine has been reduced, and every such warrant shall be executed in the same manner as a writ of *fieri facias* in the Court.

(2) Where any such levy is made, the amount of the fine, or, if the fine has been reduced, the amount to which the fine has been reduced, shall, together with the reasonable expenses of the levy, be paid out of the proceeds thereof, and the surplus, if any, of the proceeds of the levy shall be returned to the juror.

(3) In case any warrant is issued, as provided in this section, and no goods and chattels of the juror can be found on which to levy, or, in case any levy is made as provided in this section, and the proceeds of the levy shall be insufficient to pay the reasonable expenses of the levy and the amount to recover which the levy was made, any Judge, on the application of the Registrar, such application being supported by an affidavit or affidavits verifying the facts, may, by warrant of commitment under his hand directed to the Provost-Marshal and the keeper of the prison, order the juror to be imprisoned for any period not exceeding one month, unless the amount due in respect of the warrant to levy and the execution thereof, is sooner paid, and may issue such further process as may be necessary to enforce the order, but where any application is made under this section for a warrant of commitment, the Judge may adjourn the application and order notice thereof to be served on the juror.

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PART 10

PAYMENT OF JURORS

Scale in civil proceedings

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

(a) in the case of special jurors summoned as such and duly sworn for the trial of the proceeding, the sum of $1.44 for each day or part of a day during which they shall serve as jurors;

(b) in the case of special jurors summoned as such but not sworn for the trial of the proceeding, the sum of $1.44 only;

(c) in the case of common jurors duly sworn for the trial of the proceeding, the sum of 96¢ for each day or part of a day during which they shall serve as jurors;

(d) in the case of common jurors not sworn for the trial of the proceeding, the sum of 96¢ only;

(e) in the case of all jurors, the expenses actually incurred in travelling to the Court where the civil proceeding is tried, but not exceeding 12¢ per mile for every mile of the journey travelled, but jurors not sworn for the trial of a proceeding shall be entitled to receive the expenses incurred for travelling in respect of the first day's attendance only.

(2) Every common juror who attends at a sitting of the Court for the trial of criminal proceedings in obedience to a summons served upon him in that behalf under this Act, and who is duly sworn for the trial of a civil proceeding, shall be entitled to receive—

(a) the sum of 96¢ for each day or part of a day during which he 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 12¢ per mile, but no juror shall receive an allowance under this enactment who shall be entitled to receive the allowance provided by section 47(1).

(3) Every juror who by reason of his service as a juror in the trial of a civil proceeding is necessarily absent from his home at night shall be entitled to receive in addition to the sums in subsections (1) and (2) mentioned, the following sums, that is to say—

(a) in the case of a special juror, for each night while so absent, the sum of 96¢;

(b) in the case of a common juror, for each night while so absent, the sum of 48¢.

Deposit in advance of jury money

44. (1) No array of special jurors shall be impanelled in any civil proceeding, unless the party applying for the impanelling shall first deposit with the Registrar such sum as the Registrar may think fit, for the payment in accordance with section 43 of such of the jurors included in the array, as may afterwards be impanelled as a jury for the trial of the proceeding.

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(2) No common jury shall be impanelled for the trial of any civil proceeding, unless the party applying for the impanelling has first deposited with the Registrar, in which the proceeding is to be tried, such sum as the Registrar may think fit, for the payment of the jury, in accordance with section 43.

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

Payment of jurors during trial

45. (1) Where any deposit is made, in any civil proceeding, under section 44, 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 he is entitled under section 43, and, if, after the jury have been discharged, the deposit is not yet exhausted, shall pay the surplus to the party by whom the deposit was made, but, if and whenever, at the close of any day, the money deposited for the payment of the jurors is exhausted, he shall at once report the fact to the presiding Judge, who shall forthwith discharge the jury, unless the party, at whose instance the jury was impanelled, or any other party to the proceeding, shall forthwith deposit with the Registrar such further sum as the Judge shall think fit for the payment of the jury as aforesaid.

(2) Whenever 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.

Costs consequent on trial by jury

46. (1) Whenever any civil proceeding is tried by a common jury, and the costs of the trial are awarded to the party to the proceeding at whose instance the jury was impanelled, such costs shall, unless the presiding Judge otherwise orders, include the money which has been paid to the jury under section 45.

(2) Whenever a civil proceeding is tried by a special jury, and the costs of the trial are awarded to the party to the proceeding, at whose instance the special jury was impanelled, the costs so awarded shall not include any of the additional costs occasioned by the proceeding being tried by a special jury instead of a common jury, unless the Judge before whom the proceeding was tried shall, before the taxation of the costs, certify in writing under his hand, that the proceeding was, in his opinion, a proper proceeding to be tried by a special jury, but, in default of such a certificate, the party to whom the costs have been awarded shall, unless the Judge presiding at the trial otherwise orders, be allowed the sums which would, under section 45, have been paid to a common jury.

Rules for payment of jurors out of public funds

47. (1) The Governor in Council may make rules authorizing the payment, of such allowances, on such scales and in such cases, as he may think fit, to jurors attending at the sitting of the Court, in pursuance of summonses under this Act, or impanelled under this Act, but no juror shall receive any allowance under the rules, in respect of any day on which he has served on a jury impanelled and sworn for the trial of a civil proceeding.

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

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(3) All allowances payable under the rules shall be paid on the warrant of the Governor out of the Consolidated Fund.

(Act 7/2010, s. 26)

PART 11

GENERAL PROVISIONS

Trial of aliens

48. No alien shall be entitled to be tried by a jury *de medietate linguae*, but every alien shall be triable by a jury impanelled and sworn under this Act in the same manner as if he were a British subject.

Affirmations in lieu of oath

49. Whenever the taking of an oath is required under this Act, the Oaths Act shall apply.

Kissing the Book in swearing

50. Whenever a juror is sworn, under this Act, upon a Book, he shall not be required to kiss the Book, but shall hold it in his right hand, while the oath is being administered to him, and when the oath has been administered to him, shall say "I will", or such other words of assent as shall be directed by the presiding Judge.

Penalty for influencing jurors

51. (1) Every person who—

(a) corruptly influences or attempts to influence any juror in the performance of his functions as a juror in any cause before the Court; or

(b) corruptly interferes with the trial of any cause before the Court;

is liable, on conviction on indictment, to imprisonment for a term of 3 years.

(2) Every juror who yields to any corrupt influence or is guilty of any improper behaviour in connection with the performance of his functions as a juror is liable on conviction on indictment, to imprisonment for a term of 3 years.

Trial not invalid by irregularity in preparation of list

52. No trial shall be rendered invalid or the verdict therein liable to be challenged by reason only that there has been any irregularity in the preparation of any jurors' list or improper conduct on the part of any person or authority discharging any duty with respect thereto prior to the impanelling of the jury to try the case if the panel of persons was struck from a jurors' register purporting to have been prepared not more than 3 years previous to the use, under and in accordance with the Act.

Citation

53. This Act may be cited as the Jury Act, Revised Statutes of Anguilla, Chapter J15.

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SCHEDULE 1

(Section 6)

PERSONS DISQUALIFIED OR EXEMPT FROM JURY SERVICE

PART 1

PERSONS DISQUALIFIED

GROUP 1

The Judiciary

Judges

Registrars and assistant registrars of any court

Magistrates including additional Magistrates

Justices of the peace

A person who has at any time been a person falling within any description specified above in this group

GROUP 2

Others Concerned with Administration of Justice

Lawyers, whether or not in actual practice as such

Lawyer's clerks and paralegals

Notaries public

Officers and staff of any court, if their work is wholly or mainly concerned with the day-to-day administration of the court

Coroners, deputy coroners and assistant coroners

A shorthand writer in any court

The Superintendent of Prisons and officers employed in a prison including any chaplain

Probation officers and community outreach officers

The Supervisor of an institution designated by the Governor for the rehabilitation of juvenile offenders and juvenile care workers employed in that institution

Extramural prison officers

Members of the Parole Board established under section 2 of the Parole of Prisoners Act

A member of a police force, a local constable and a person employed in any capacity by virtue of which he has the powers and privileges of a local constable and any person employed by the police force

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A person in charge of, or employed in, any forensic science laboratory

A person who at any time within the last 10 years has been a person falling within any description specified above in this group

(Act 7/2011, s. 43 and R.A. 8/2011, s. 25)

GROUP 3

Clergy

A man in holy orders, a regular minister of any religious denomination

A vowed member of any religious order living in a monastery, convent or other religious community

GROUP 4

Members of Executive Council or the House of Assembly or the Clerk

A member of the Executive Council or the House of Assembly or the Clerk of the House of Assembly

GROUP 5

Mentally Disordered Persons

A person who suffers or has suffered from mental illness, psychopathic disorder or mental handicap

GROUP 6

Persons Imprisoned or Otherwise Punished by the Justice System

A person who has at any time been sentenced in Anguilla—

(a) to imprisonment for life or to a term of imprisonment of 5 years or more; or

(b) to be detained during Her Majesty's pleasure

A person who at any time in the last 10 years has in Anguilla—

(a) served any part of a sentence of imprisonment;

(b) had passed on him or made in respect of him a suspended sentence of imprisonment; or

(c) had made in respect of him a community service order

A person who at any time in the last 5 years has in Anguilla been placed on probation

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GROUP 7

Health Professionals

A person who is entitled under the law of Anguilla to practice, and is actually practicing, as—

(a) a medical practitioner;

(b) a dentist;

(c) a nurse;

(d) a midwife;

(e) a veterinarian; or

(f) a pharmaceutical chemist.

GROUP 8

Illiterate Persons

Any person who cannot read and write English or understand it when it is spoken

PART 2

EXEMPT PERSONS

Persons serving or employed in the following offices—

(a) Permanent secretaries in the Anguilla public service;

(b) any established or non-established officer whose duties are such that, in the opinion of the Governor, he should be exempt from jury service, upon notice being given by the Governor.

Public Utilities

Any person employed in a public utility whose duties are so critical to the efficient functioning of that public utility and who, in the opinion of the person for the time being in charge of such public utility, should be exempt from jury service, upon notice being given by such person in charge.

(Act 17/2006, s. 2)

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SCHEDULE 2

(Section 7)

JURORS' LIST FOR THE YEAR 20……...

First and Middle Given Names and Surname	Date of Birth	Place of Abode	Occupation	Remarks

(Act 17/2006, s. 3)

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 sittings of the Magistrate's Court to be held 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 list, may then appear personally, or by his counsel or solicitor, and claim that he is, or is not, liable to serve as a common or special juror, as the case may be, 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 list will be conclusive, and all persons included in the list, after it has been revised by the Magistrate, will be liable during the year 20…… to be summoned and serve as common or special jurors, as the case may be, notwithstanding any disqualification or exemption other than illness or unavoidable accident.

Dated this …… day of ……..……, 20…….. .

Registrar

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SCHEDULE 3

(Section 9(4))

CERTIFICATION

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 a sitting of the Court, as common jurors, and that such, and such only, of the said persons as are also liable to serve as special jurors, are, in the said list, distinguished as such in the prescribed manner.

Dated this …… day of ……..……, 20…….. .

Magistrate

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SCHEDULE 4

(Section 15(1))

PRELIMINARY PANEL

For the 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.

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