[Français](http://www.ontario.ca/fr/lois/loi/90j03)

Juries Act

R.S.O. 1990, Chapter J.3

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Definitions

**1** In this Act,

“jury area” means a jury area established by the regulations; (“zone de constitution de jurys”)

“jury questionnaire” means the jury questionnaire provided under section 6; (“questionnaire pour la sélection d’un jury”)

“Jury Sheriff” means the person to whom the powers and duties of a Jury Sheriff are assigned under section 73 of the Courts of Justice Act; (“shérif chargé des jurys”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

“upper-tier municipality” has the same meaning as in subsection 1 (1) of the Municipal Act, 2001. (“municipalité de palier supérieur”) R.S.O. 1990, c. J.3, s. 1; 1997, c. 43, Sched. G, s. 22; 2001, c. 8, s. 206; 2017, c. 20, Sched. 2, s. 27; 2019, c. 7, Sched. 35, s. 1; 2023, c. 2, Sched. 3, s. 1.

**Section Amendments with date in force (d/m/y)**

1997, c. 43, Sched. G, s. 22 - 31/12/1998

[2001, c. 8, s. 206](http://www.ontario.ca/laws/statute/S01008" \l "s206) - 29/06/2001

[2017, c. 20, Sched. 2, s. 27](http://www.ontario.ca/laws/statute/S17020" \l "sched2s27) - 01/01/2018

[2019, c. 7, Sched. 35, s. 1 (1-3)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s1s1) - 29/05/2019

[2023, c. 2, Sched. 3, s. 1](http://www.ontario.ca/laws/statute/S23002" \l "sched3s1) - 22/03/2023

Eligibility

Eligible jurors

**2** Subject to sections 3 and 4, a person is eligible and liable to serve as a juror on juries in the Superior Court of Justice if the person,

(a) resides in Ontario;

(b) is a Canadian citizen;

(c) is at least 18 years of age at the beginning of the year in which the jury is selected; and

(d) can speak, read and understand English or French. 2019, c. 7, Sched. 35, s. 2.

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 2](http://www.ontario.ca/laws/statute/S19007" \l "sched35s2) - 29/05/2019

Ineligibility to serve as juror

Ineligible occupations

**3** (1)  The following persons are ineligible to serve as jurors:

1. Every member of the Privy Council of Canada or the Executive Council of Ontario.

2. Every member of the Senate, the House of Commons of Canada or the Assembly.

3. Every judge and every justice of the peace.

4. Every barrister and solicitor and every student-at-law.

5. Every legally qualified medical practitioner and veterinary surgeon who is actively engaged in practice and every coroner.

6. Every person engaged in the enforcement of law including, without restricting the generality of the foregoing, sheriffs, wardens of any penitentiary, superintendents, jailers or keepers of prisons, correctional institutions or lock-ups, sheriff’s officers, police officers, firefighters who are regularly employed by a fire department for the purposes of subsection 41 (1) of the Fire Protection and Prevention Act, 1997, and officers of a court of justice. R.S.O. 1990, c. J.3, s. 3 (1); 1994, c. 27, s. 48 (1); 1997, c. 4, s. 82; 2017, c. 20, Sched. 2, s. 28; 2020, c. 11, Sched. 11, s. 1.

(2)  Repealed: 1994, c. 27, s. 48 (2).

Connection with court action at same sitting

(3)  Every person who has been summoned as a witness or is likely to be called as a witness in a civil or criminal proceeding or has an interest in an action is ineligible to serve as a juror at any sitting at which the proceeding or action might be tried. R.S.O. 1990, c. J.3, s. 3 (3); 2019, c. 7, Sched. 35, s. 3 (1).

Previous service

(4)  A person is ineligible to serve as a juror in a year if, at any time within three years preceding the year for which the jury roll is prepared, the person,

(a) attended court for jury service in response to a summons after selection from the jury roll; or

(b) attended a coroner’s inquest for jury service in response to a summons issued under subsection 33 (2) of the Coroners Act. 2019, c. 7, Sched. 35, s. 3 (2).

**Section Amendments with date in force (d/m/y)**

1994, c. 27, s. 48 (1-3) - 28/02/1995; 1997, c. 4, s. 82 - 29/10/1997

[2017, c. 20, Sched. 2, s. 28](http://www.ontario.ca/laws/statute/S17020" \l "sched2s28) - 01/01/2018

[2019, c. 7, Sched. 35, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s3s1) - 29/05/2019

[2020, c. 11, Sched. 11, s. 1](http://www.ontario.ca/laws/statute/S20011" \l "sched11s1) - 08/07/2020

Ineligibility for personal reasons

**4** A person is ineligible to serve as a juror if the person,

(a) is physically or mentally unable to discharge the duties of a juror and cannot be reasonably accommodated in such a way as to allow them to perform those duties; or

(b) has been convicted of an offence that may be prosecuted by indictment, unless the person has subsequently been granted a record suspension under the Criminal Records Act (Canada) or a pardon. 2019, c. 7, Sched. 35, s. 4.

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 2, s. 38 (1)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s38s1) - 30/06/2010

[2019, c. 7, Sched. 35, s. 4](http://www.ontario.ca/laws/statute/S19007" \l "sched35s4) - 29/05/2019

Jury source list

**4.1** (1)  On or before June 1 in each year, the Minister of Health shall prepare a jury source list that sets out the information described in subsection (4) and disclose it to the Jury Sheriff. 2019, c. 7, Sched. 35, s. 4; 2023, c. 2, Sched. 3, s. 2.

Uses of jury source list

(2)  The jury source list shall be used only for the purposes of creating the jury roll under sections 6 to 8. 2019, c. 7, Sched. 35, s. 4.

No disclosure

(3)  The Jury Sheriff shall ensure that the jury source list is not disclosed unless the Jury Sheriff is required by law to do so. 2019, c. 7, Sched. 35, s. 4.

Contents of jury source list

(4)  The jury source list must contain the names and addresses of every person who, according to the most recent information available to the Minister of Health,

(a) is registered as an insured person under the Health Insurance Act and the regulations made under it;

(b) resides in Ontario;

(c) is a Canadian citizen; and

(d) is at least 18 years of age or will attain the age of 18 on or before December 31 of the year in which the list is provided. 2019, c. 7, Sched. 35, s. 4; 2023, c. 2, Sched. 3, s. 2.

Secrecy of jury source list

(5)  The Jury Sheriff shall keep the jury source list in a secure location or, in the case of an electronic jury source list, in a secure database under the control of the Jury Sheriff. 2019, c. 7, Sched. 35, s. 4.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 4](http://www.ontario.ca/laws/statute/S19007" \l "sched35s4) - 29/05/2019

[2023, c. 2, Sched. 3, s. 2](http://www.ontario.ca/laws/statute/S23002" \l "sched3s2) - 22/03/2023

Preparation of Jury Rolls

Duty of local sheriff to determine number of jurors on roll

**5** (1)  The local sheriff for a jury area shall, on or before September 15 in each year, determine for the ensuing year,

(a) the number of jurors that will be required for each sitting of the Superior Court of Justice in the jury area;

(b) the number of persons that will be required for selection from the jury roll for the purposes of any other Act in the jury area; and

(c) the aggregate number of persons that will be so required. 2019, c. 7, Sched. 35, s. 4.

Required number of jury questionnaires

(2)  The Jury Sheriff shall determine the number of persons in the jury area who need to be mailed a jury questionnaire or instructions to access a jury questionnaire in order to attain the aggregate number of persons described in clause (1) (c). 2024, c. 2, Sched. 11, s. 1.

Recommendation of local sheriff

(3)  The local sheriff may make recommendations to the Jury Sheriff respecting determinations under subsection (2). 2024, c. 2, Sched. 11, s. 1.

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2017, c. 20, Sched. 2, s. 29](http://www.ontario.ca/laws/statute/S17020" \l "sched2s29) - 01/01/2018

[2019, c. 7, Sched. 35, s. 4](http://www.ontario.ca/laws/statute/S19007" \l "sched35s4) - 29/05/2019

[2023, c. 2, Sched. 3, s. 3](http://www.ontario.ca/laws/statute/S23002" \l "sched3s3) - 22/03/2023

[2024, c. 2, Sched. 11, s. 1](http://www.ontario.ca/laws/statute/S24002" \l "sched11s1) - 06/03/2024

Jury questionnaires

**6** (1)  In each year on or before October 31, the Jury Sheriff shall cause a jury questionnaire, in the prescribed form, and a prepaid return envelope to be mailed to the number of persons in each jury area specified in the local sheriff’s determination under section 5. 2023, c. 2, Sched. 3, s. 4.

Jury questionnaires, electronic method

(2)  Instead of causing a jury questionnaire and envelope to be mailed in accordance with subsection (1), the Jury Sheriff may cause instructions to be mailed to a person setting out how the person may access and complete a jury questionnaire, in the prescribed form, by an electronic method specified in the instructions. 2023, c. 2, Sched. 3, s. 4.

Required information

(3)  The information provided under subsection (1) or (2) must include instructions on how the person may,

(a) request accommodation for accessibility reasons, as described in subsection (7); and

(b) in the case of a questionnaire that is to be accessed and completed electronically, request that the person instead be mailed a copy of the jury questionnaire and a prepaid return envelope, as described in subsection (9). 2023, c. 2, Sched. 3, s. 4.

Random selection

(4)  The Jury Sheriff shall randomly select the required number of persons to receive the jury questionnaire or instructions from among the persons whose names and addresses are included in the jury source list provided by the Minister of Health under subsection 4.1 (2). 2023, c. 2, Sched. 3, s. 4.

Address for mailing

(5)  The jury questionnaire or instructions shall be mailed to the most recent address of the person provided by the Minister of Health under section 4.1. 2023, c. 2, Sched. 3, s. 4.

Submission of jury questionnaire

(6)  Every person who receives the jury questionnaire or instructions shall, within 30 days after receiving them, accurately and truthfully complete the jury questionnaire and submit it to the Jury Sheriff in the manner specified by the Jury Sheriff. 2023, c. 2, Sched. 3, s. 4.

Request for accommodation

(7)  A person who receives a jury questionnaire or instructions to access or complete a jury questionnaire and who requires accommodation for accessibility reasons may, no later than 10 days after receiving the jury questionnaire or instructions, make a request to the Jury Sheriff that specifies their accommodation needs. 2023, c. 2, Sched. 3, s. 4.

Same

(8)  If the person makes the request described in subsection (7),

(a) the Jury Sheriff shall provide reasonable accommodation of the person’s needs, which may include providing the jury questionnaire in an alternate format; and

(b) the 30 day timeline described in subsection (6) is extended so that the person has 30 days after receiving the reasonable accommodation to accurately and truthfully complete the jury questionnaire and submit it to the Jury Sheriff. 2023, c. 2, Sched. 3, s. 4.

Request for non-electronic jury questionnaire

(9)  A person who receives instructions to access and complete a jury questionnaire using an electronic method may, no later than 10 days after receiving them, make a request to the Jury Sheriff that they instead be mailed a copy of the jury questionnaire and a prepaid return envelope. 2023, c. 2, Sched. 3, s. 4.

Same

(10)  If the person makes the request described in subsection (9),

(a) the Jury Sheriff shall promptly cause a jury questionnaire, in the prescribed form, and a prepaid return envelope to be mailed to the person; and

(b) the 30 day timeline described in subsection (6) is extended so that the person has 30 days after receiving the mailed version of the jury questionnaire to accurately and truthfully complete it and submit it to the Jury Sheriff. 2023, c. 2, Sched. 3, s. 4.

When deemed received

(11)  For the purposes of this section, a jury questionnaire or instructions shall be deemed to have been received on the third day after the day of mailing unless the person to whom the jury questionnaire or instructions are mailed establishes that they, acting in good faith, through absence, accident, illness or other cause beyond their control did not receive the questionnaire or instructions, or did not receive them until a later date. 2023, c. 2, Sched. 3, s. 4.

Supplementary names

(12)  The Jury Sheriff may, at any time, mail such number of additional jury questionnaires or instructions as in his or her opinion are required to obtain the required number of persons for the jury roll. 2023, c. 2, Sched. 3, s. 4.

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 2, s. 30 (1-6)](http://www.ontario.ca/laws/statute/S17020" \l "sched2s30s1) - 01/01/2018

[2019, c. 7, Sched. 35, s. 4](http://www.ontario.ca/laws/statute/S19007" \l "sched35s4) - 29/05/2019

[2023, c. 2, Sched. 3, s. 4](http://www.ontario.ca/laws/statute/S23002" \l "sched3s4) - 22/03/2023

Jury Sheriff to prepare jury roll

**7** The Jury Sheriff shall in each year prepare a roll called the jury roll that is divided into parts for each jury area in Ontario. 2019, c. 7, Sched. 35, s. 4.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 4](http://www.ontario.ca/laws/statute/S19007" \l "sched35s4) - 29/05/2019

Entry of names in jury roll

**8** (1)  The Jury Sheriff shall cause the name, address and occupation of each person who is shown, by a jury questionnaire that has been submitted to the Jury Sheriff, to be eligible for jury service to be entered in the jury roll, alphabetically arranged and numbered consecutively. 2017, c. 20, Sched. 2, s. 31 (1); 2019, c. 7, Sched. 35, s. 5 (1); 2023, c. 2, Sched. 3, s. 5 (1).

English, French and bilingual jurors

(2)  The jury roll prepared under subsection (1) shall be divided into three parts, as follows:

1. A part listing the persons who appear, by the submitted jury questionnaires, to speak, read and understand English.

2. A part listing the persons who appear, by the submitted jury questionnaires, to speak, read and understand French.

3. A part listing the persons who appear, by the submitted jury questionnaires, to speak, read and understand both English and French. 1994, c. 27, s. 48 (5); 2017, c. 20, Sched. 2, s. 31 (2); 2023, c. 2, Sched. 3, s. 5 (2).

Omission of names

(3)  The Jury Sheriff may, with the written approval of a judge of the Superior Court of Justice, omit the name from the roll where it appears such person will be unable to attend for jury duty. R.S.O. 1990, c. J.3, s. 8 (3); 2006, c. 19, Sched. C, s. 1 (1); 2019, c. 7, Sched. 35, s. 5 (1).

(4)-(6)  Repealed: 2019, c. 7, Sched. 35, s. 5 (2).

**Section Amendments with date in force (d/m/y)**

1994, c. 27, s. 48 (4, 5) - 28/02/1995

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2017, c. 20, Sched. 2, s. 31(1-4)](http://www.ontario.ca/laws/statute/S17020" \l "sched2s31s1) - 01/01/2018

[2019, c. 7, Sched. 35, s. 5 (1, 2)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s5s1) - 29/05/2019

[2023, c. 2, Sched. 3, s. 5 (1, 2)](http://www.ontario.ca/laws/statute/S23002" \l "sched3s5s1) - 22/03/2023

Certification of roll

**9** As soon as the jury roll has been completed but not later than the 31st day of December in each year, the Jury Sheriff shall certify the roll to be the proper roll prepared as the law directs and shall deliver notice of the certification to a judge of the Superior Court of Justice, but a judge of the court may extend the time for certification for such reasons as he or she considers sufficient. R.S.O. 1990, c. J.3, s. 9; 2006, c. 19, Sched. C, s. 1 (1); 2019, c. 7, Sched. 35, s. 6.

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 6](http://www.ontario.ca/laws/statute/S19007" \l "sched35s6) - 29/05/2019

Extension of times

**10** The Chief Justice of the Superior Court of Justice may, upon the request of the Jury Sheriff, extend any times set out in this Act in connection with the preparation of the part of the jury roll that relates to the jury area to such date as the Chief Justice considers appropriate and may authorize the continued use of the latest jury roll until the date so fixed. 2019, c. 7, Sched. 35, s. 7.

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 2 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs2s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 7](http://www.ontario.ca/laws/statute/S19007" \l "sched35s7) - 29/05/2019

Additions to roll by Jury Sheriff

**11** If there are not enough names on the existing jury roll to fill a panel request, the Jury Sheriff may add to the list of names on the jury roll by randomly selecting names of eligible jurors from any of the previous three years’ jury rolls. 2019, c. 7, Sched. 35, s. 7.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 7](http://www.ontario.ca/laws/statute/S19007" \l "sched35s7) - 29/05/2019

Secrecy of jury roll

**11.1**(1)  The Jury Sheriff shall keep the jury roll in a secure location or, in the case of an electronic jury roll, in a secure database under the control of the Jury Sheriff. 2019, c. 7, Sched. 35, s. 7.

No disclosure

(2)  The Jury Sheriff shall ensure that the jury roll is not disclosed unless the Jury Sheriff is required by law to do so. 2019, c. 7, Sched. 35, s. 7.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 7](http://www.ontario.ca/laws/statute/S19007" \l "sched35s7) - 29/05/2019

Jury Panels

Issuance of precepts

**12** A judge of the Superior Court of Justice may issue precepts in the prescribed form to the Jury Sheriff for the return of such number of jurors as the local sheriff has determined as the number to be summoned or such greater or lesser number as in the judge’s opinion is required. 2019, c. 7, Sched. 35, s. 7.

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 7](http://www.ontario.ca/laws/statute/S19007" \l "sched35s7) - 29/05/2019

Two or more sets of jurors

**13** (1)  Where a judge of the Superior Court of Justice considers it necessary that the jurors to form the panel for a sitting of the Superior Court of Justice be summoned in more than one set, the judge may direct the Jury Sheriff to summon such number of jurors in such number of sets on such day for each set as the judge thinks fit. 2019, c. 7, Sched. 35, s. 8 (1).

Sheriff to divide jurors into sets

(2)  The Jury Sheriff shall divide such jurors into as many sets as are directed, and shall in the summons to every juror specify at what time his or her attendance will be required. R.S.O. 1990, c. J.3, s. 13 (2); 2019, c. 7, Sched. 35, s. 8 (2).

Each set a separate panel

(3)  Each set shall for all purposes be deemed a separate panel. R.S.O. 1990, c. J.3, s. 13 (3).

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 8 (1, 2)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s8s1) - 29/05/2019

Additional jurors

**14** (1)  A judge of the Superior Court of Justice, after the issue of the precept, at any time before or during the sitting of the court, by order under his or her hand and seal, may direct the Jury Sheriff to summon an additional number of jurors. 2019, c. 7, Sched. 35, s. 9 (1).

Duty of sheriff as to drafting additional number of jurors

(2)  The Jury Sheriff, upon the receipt of an order under subsection (1), shall forthwith draft such additional number of jurors in the manner provided by this Act, and shall add their names to the panel list, and shall forthwith thereafter summon them, and where there are not a sufficient number of jurors on the jury roll for the purpose of the additions, section 11 applies. R.S.O. 1990, c. J.3, s. 14 (2); 2019, c. 7, Sched. 35, s. 9 (2).

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 9 (1, 2)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s9s1) - 29/05/2019

Panel list of jurors

**15** (1)  After receiving a precept for the return of jurors, the Jury Sheriff shall prepare a panel list in accordance with this section. 2019, c. 7, Sched. 35, s. 10 (1).

Random selection of names for panel list

(2)  The Jury Sheriff shall randomly select the number of names required by the precept from the jury roll for the jury area to form the panel list. 2019, c. 7, Sched. 35, s. 10 (1).

Panel list requirements

(3)  The panel list shall,

(a) list the selected panellists;

(b) include each selected panellist’s,

(i) unique identification number listed on the jury roll, and

(ii) Repealed: 2020, c. 11, Sched. 11, s. 2.

(iii) occupation;

(c) identify the precept that gave rise to the panel list; and

(d) state the date and place where the panel list was randomly selected. 2019, c. 7, Sched. 35, s. 10 (1); 2020, c. 11, Sched. 11, s. 2.

Electronic panel list

(4)  The Jury Sheriff may use an electronic or other automated procedure to prepare the panel list. 2019, c. 7, Sched. 35, s. 10 (1).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 10 (1)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s10s1) - 29/05/2019

[2020, c. 11, Sched. 11, s. 2](http://www.ontario.ca/laws/statute/S20011" \l "sched11s2) - 07/08/2020

Criminal record check

**16** (1)  For the purposes of confirming whether clause 4 (b) applies in respect of a person selected under section 15 for inclusion on a jury panel, the Jury Sheriff may, in accordance with this section and the regulations, request that a criminal record check, prepared from national data on the Canadian Police Information Centre database, be conducted concerning the person. 2019, c. 7, Sched. 35, s. 10 (1).

Timing

(2)  A criminal record check concerning a person that is requested under subsection (1) shall be obtained by the Jury Sheriff before he or she finalizes the jury panel on which the person is to be included. 2019, c. 7, Sched. 35, s. 10 (1).

Collection, use and disclosure of personal information by Jury Sheriff

(3)  Subject to any restrictions or conditions set out in the regulations, the Jury Sheriff shall collect, directly or indirectly, use and disclose such personal information respecting a person who is the subject of a criminal record check under subsection (1) as is required for the purposes of this section. 2019, c. 7, Sched. 35, s. 10 (1).

Agreement with police service

(4)  The Jury Sheriff may enter into an agreement with a prescribed police service respecting,

(a) the preparation of a criminal record check by the police service for the purposes of this section; and

(b) the collection, use and disclosure of personal information by the police service for the purposes of the criminal record check. 2019, c. 7, Sched. 35, s. 10.

Removal and replacement

(5)  If, on review of a person’s criminal record check, the Jury Sheriff determines that clause 4 (b) applies in respect of the person, the Jury Sheriff shall,

(a) remove the person from the jury panel on which the person was to have been included;

(b) remove the person’s name and other information from the jury roll for the applicable year; and

(c) randomly select, in accordance with section 15, another person for the jury panel to replace the person who was removed. 2019, c. 7, Sched. 35, s. 10 (1).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 10 (1)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s10s1) - 29/05/2019; [2019, c. 7, Sched. 35, s. 10 (2)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s10s2) - 01/04/2024

Notice

Summoning jurors 28 days before attendance required

**17** (1)  The Jury Sheriff shall summon every person on the panel list to serve on juries by mailing to the person a notice in the prescribed form at least 28 days before the day on which the person is to attend. 2024, c. 2, Sched. 11, s. 2.

Shortened period

(1.1)  The 28-day period referred to in subsection (1) does not apply if,

(a) the Jury Sheriff is directed to randomly select and summon additional jurors under this Act; or

(b) the Jury Sheriff determines that adherence to the 28-day period is impossible or unreasonably difficult. 2024, c. 2, Sched. 11, s. 2.

Summons may be provided electronically

(2)  Despite subsection (1), the Jury Sheriff may provide the form to the person in electronic format, if, in his or her submitted jury questionnaire, the person consents to the provision and specifies contact information for the purpose. 2019, c. 7, Sched. 35, s. 10 (1); 2023, c. 2, Sched. 3, s. 6.

Deferral of jurors

(3)  A judge or the local sheriff of the court may defer the service of any person summoned for a jury sitting on the ground of illness or that serving as a juror may cause serious hardships or loss to the person or others. 2019, c. 7, Sched. 35, s. 10 (1).

Effect of deferral

(4)  A person whose service is deferred under subsection (3) shall be included in a panel to be summoned for a sitting later in the year or, where there are no further sittings in that year, in a panel to be summoned for a sitting in the following year. 2019, c. 7, Sched. 35, s. 10 (1).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 10 (1)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s10s1) - 29/05/2019

[2023, c. 2, Sched. 3, s. 6](http://www.ontario.ca/laws/statute/S23002" \l "sched3s6) - 22/03/2023

[2024, c. 2, Sched. 11, s. 2](http://www.ontario.ca/laws/statute/S24002" \l "sched11s2) - 06/03/2024

Secrecy of panel list

**18** (1)  The Jury Sheriff shall keep every panel list in a secure location or, in the case of an electronic panel list, in a secure database under the control of the Jury Sheriff. 2019, c. 7, Sched. 35, s. 10 (1).

No early disclosure

(2)  The Jury Sheriff shall ensure that a panel list is not disclosed, unless the Jury Sheriff is required by law to do so, until the day described in subsection (3). 2019, c. 7, Sched. 35, s. 10 (1).

Disclosure 10 days before court sitting

(3)  On or after the day that is 10 days before the first sitting of the court for which the panel has been randomly selected and until the end of the first day of that court sitting, the local sheriff for the jury area shall disclose a copy of the panel list to the litigants or accused persons, or to their solicitors, for $2 or such other fee as may be prescribed. 2019, c. 7, Sched. 35, s. 10 (1); 2020, c. 11, Sched. 11, s. 3 (1).

Order to disclose list, addresses

(4)  A judge of the Superior Court of Justice may, on motion, order that the disclosure of the panel list under subsection (3) include the disclosure of the place of residence of each juror on the list, if the disclosure of their places of residence is necessary to ensure the fairness of the trial or is otherwise in the interests of justice. 2020, c. 11, Sched. 11, s. 3 (2).

**Section Amendments with date in force (d/m/y)**

1994, c. 27, s. 48 (6) - 28/02/1995

[2019, c. 7, Sched. 35, s. 10 (1)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s10s1) - 29/05/2019

[2020, c. 11, Sched. 11, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S20011" \l "sched11s3s1) - 07/08/2020

**18.1** Repealed: 2019, c. 7, Sched. 35, s. 10 (1).

**Section Amendments with date in force (d/m/y)**

1994, c. 27, s. 48 (7) - 28/02/1995

[2019, c. 7, Sched. 35, s. 10 (1)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s10s1) - 29/05/2019

**18.2** Repealed: 2019, c. 7, Sched. 35, s. 10 (1).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 2, s. 38 (2)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s38s2) - 30/06/2010

[2018, c. 3, Sched. 5, s. 29 (1)](http://www.ontario.ca/laws/statute/S18003" \l "sched5s29s1) - no effect - see [2019, c. 1, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S19001" \l "sched3s5) - 26/03/2019

[2019, c. 7, Sched. 35, s. 10 (1)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s10s1) - 29/05/2019

**19** Repealed: 2019, c. 7, Sched. 35, s. 10 (1).

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2017, c. 20, Sched. 2, s. 32 (1, 2)](http://www.ontario.ca/laws/statute/S17020" \l "sched2s32s1) - 01/01/2018

[2019, c. 7, Sched. 35, s. 10 (1)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s10s1) - 29/05/2019

**20** Repealed: 2019, c. 7, Sched. 35, s. 10 (1).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 10 (1)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s10s1) - 29/05/2019

Attendance of jurors postponed or not required

Countermand where no jury cases

**21** (1)  Where there is no business requiring the attendance of a jury at a sitting in respect of which a precept has been issued,

(a) the local registrar, where the sitting is for the trial of actions; or

(b) the Crown Attorney, where the sitting is for the trial of criminal prosecutions,

shall, at least five clear days before the day upon which the sitting is to commence, give notice in writing to the local sheriff for the jury area in the prescribed form that the attendance of the jurors is not required. R.S.O. 1990, c. J.3, s. 21 (1); 2019, c. 7, Sched. 35, s. 11.

Postponement of date for attendance of jurors

(2)  Where the business of the court does not require the attendance of the jurors until a day after the day upon which the sitting is to commence, the appropriate officer determined under subsection (1) shall, at least five clear days before the day upon which the sitting is to commence, give notice in writing to the local sheriff for the jury area in the prescribed form that the attendance of the jurors is not required until such later day as is specified in the notice. R.S.O. 1990, c. J.3, s. 21 (2); 2019, c. 7, Sched. 35, s. 11.

Notice to jurors

(3)  Subject to subsection (4), where, upon receipt of such notice it appears to the local sheriff for the jury area that the attendance of jurors is not required or not required until a later date, the local sheriff for the jury area shall forthwith by registered mail or otherwise, as he or she considers expedient, notify in the prescribed form each person summoned to serve as a juror that attendance at the sitting is not required or is not required until the day specified in the notice. R.S.O. 1990, c. J.3, s. 21 (3); 2019, c. 7, Sched. 35, s. 11.

Local sheriff for the jury area must ascertain that there are no prisoners in custody

(4)  In the case of a sitting for the hearing of criminal proceedings, the local sheriff for the jury area shall not give the notice mentioned in subsection (3) unless he or she is satisfied that there is no prisoner in custody awaiting trial at the sitting. R.S.O. 1990, c. J.3, s. 21 (4); 2019, c. 7, Sched. 35, s. 11.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 11 (1, 2)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s11s1) - 29/05/2019

Division of panel

**22** A judge of the Superior Court of Justice who considers it necessary may direct that the jurors summoned for a sitting of the Court be divided into two or more sets as he or she may direct, and each set shall for all purposes be deemed a separate panel. R.S.O. 1990, c. J.3, s. 22; 2006, c. 19, Sched. C, s. 1 (1); 2019, c. 7, Sched. 35, s. 12.

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 12](http://www.ontario.ca/laws/statute/S19007" \l "sched35s12) - 29/05/2019

Merger

**22.1**  A judge of the Superior Court of Justice who considers it necessary may direct that two or more panels of jurors, including panels established by division under section 22, be merged into a single panel. 1994, c. 27, s. 48 (8); 2006, c. 19, Sched. C, s. 2 (2).

**Section Amendments with date in force (d/m/y)**

1994, c. 27, s. 48 (8) - 28/02/1995

[2006, c. 19, Sched. C, s. 2 (2)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs2s2) - 22/06/2006

Excusing of juror

Religious reasons

**23** (1)  Despite anything else in this Act, a person summoned for jury duty may be excused by a judge from service as a juror on the ground that service as a juror is incompatible with the beliefs or practices of a religion or religious order to which the person belongs. R.S.O. 1990, c. J.3, s. 23 (1); 2019, c. 7, Sched. 35, s. 13 (1).

Illness or hardship

(2)  Despite anything else in this Act, a person summoned for jury duty may be excused from service as a juror by a judge on the grounds,

(a) of illness;

(b) that serving as a juror may cause serious hardships or loss to the person or others; or

(c) that the person does not reside within a reasonable distance of the place where the proceeding is to be tried. 2019, c. 7, Sched. 35, s. 13 (2).

Application for excusing

(3)  A person summoned for jury service may be excused under subsection (1) or (2),

(a) before the day for attendance, by any judge of the Superior Court of Justice;

(b) on or after the day for attendance, by the judge presiding at the sitting,

and the application to be excused may be made to the local sheriff for the jury area. R.S.O. 1990, c. J.3, s. 23 (3); 2006, c. 19, Sched. C, s. 1 (1); 2019, c. 7, Sched. 35, s. 13 (3, 4).

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 13 (1-4)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s13s1) - 29/05/2019

Release and transfer of jurors

Release before sitting

**24** (1)  Where jurors are summoned for a jury sitting, a judge of the Superior Court of Justice may, at any time before the sitting, release from or postpone service of any number of jurors summoned for the sitting. R.S.O. 1990, c. J.3, s. 24 (1); 2006, c. 19, Sched. C, s. 1 (1); 2019, c. 7, Sched. 35, s. 14.

Release during sitting

(2)  The judge presiding at the sitting may release from or postpone service of any number of jurors summoned for the sitting. R.S.O. 1990, c. J.3, s. 24 (2); 2019, c. 7, Sched. 35, s. 14.

Transfer to another panel

(3)  Jurors released from service at a sitting under this section may be resummoned by the sheriff for service at any other sitting, held concurrently with or immediately following the sitting from which they were released. R.S.O. 1990, c. J.3, s. 24 (3); 2019, c. 7, Sched. 35, s. 14.

Constitution of panel

(4)  Where jurors have been released from service or their service has been postponed under this section, the remaining jurors constitute the panel, and jurors recalled or resummoned under this section form part of the panel to which they are added. R.S.O. 1990, c. J.3, s. 24 (4).

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 14](http://www.ontario.ca/laws/statute/S19007" \l "sched35s14) - 29/05/2019

**25** Repealed: 2019, c. 7, Sched. 35, s. 15.

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 15](http://www.ontario.ca/laws/statute/S19007" \l "sched35s15) - 29/05/2019

Actions Tried by Jury

When actions to be entered for trial

**26** Subject to any order of a judge of the Superior Court of Justice, actions to be tried by a jury shall be entered for trial not later than six clear days before the first day of the sitting. R.S.O. 1990, c. J.3, s. 26; 2006, c. 19, Sched. C, s. 1 (1); 2019, c. 7, Sched. 35, s. 16.

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 16](http://www.ontario.ca/laws/statute/S19007" \l "sched35s16) - 29/05/2019

Drawing Jury at Trial

Empanelling jury at the trial

**27** (1)  The name of every person summoned to attend as a juror, with the person’s place of residence, occupation and number on the panel list, shall be written on separate cards or papers, all of which shall, to the extent possible, be of equal size. 2017, c. 20, Sched. 2, s. 33.

Same

(1.1)  The cards or papers shall, under the direction of the local sheriff for the jury area, be put together in a container provided by the sheriff for the purpose, which the sheriff shall then deliver to the clerk of the court. 2017, c. 20, Sched. 2, s. 33; 2019, c. 7, Sched. 35, s. 17.

How the clerk is to proceed to draw names

(2)  Where an issue is brought on to be tried, or damages are to be assessed by a jury, the clerk shall, in open court, cause the container to be shaken so as sufficiently to mix the names, and shall then draw out six of the cards or papers, one after another, causing the container to be shaken after the drawing of each name, and if any juror whose name is so drawn does not appear or is challenged and set aside, then such further number until six jurors are drawn, who do appear, and who, after all just causes of challenge allowed, remain as fair and indifferent, and the first six jurors so drawn, appearing and approved as indifferent, their names being noted in the minute book of the clerk of the court, shall be sworn, and shall be the jury to try the issue or to assess the damages. R.S.O. 1990, c. J.3, s. 27 (2).

Names drawn to be kept apart, etc.

(3)  The cards or papers containing the names of persons so drawn and sworn shall be kept apart until the jury has given in its verdict, and it has been recorded, or until the jury has been by consent of the parties, or by leave of the court, discharged, and shall then be returned to the container there to be kept with the other cards or papers remaining therein. R.S.O. 1990, c. J.3, s. 27 (3).

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 2, s. 33](http://www.ontario.ca/laws/statute/S17020" \l "sched2s33) - 01/01/2018

[2019, c. 7, Sched. 35, s. 17](http://www.ontario.ca/laws/statute/S19007" \l "sched35s17) - 29/05/2019

Automated procedure for empanelling jury in civil cases

**27.1**Where a trial is in respect of a civil proceeding, instead of following the procedure described in section 27 to select a jury, any electronic or other automated procedure may be used to accomplish the same result. 2009, c. 33, Sched. 2, s. 38 (3).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 2, s. 38 (3)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s38s3) - 15/12/2009

Ban on publication, limitation to access or use of information

**27.2**On application by a party or on its own motion, the court or judge before which a jury trial in a civil proceeding is to be held may, if the court or judge is satisfied that such an order is necessary for the proper administration of justice, make an order,

(a) directing that the identity of a juror or any information that could disclose their identity shall not be published in any document or broadcast or transmitted in any way; or

(b) limiting access to or the use of that information. 2019, c. 7, Sched. 35, s. 18.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 18](http://www.ontario.ca/laws/statute/S19007" \l "sched35s18) - 29/05/2019

Selection of juries in advance

**28** A jury may be selected in accordance with section 27 or 27.1 at any time before the trial of an issue or assessment of damages directed by the judge presiding at the sitting and shall attend for service upon the summons of the Jury Sheriff. 2019, c. 7, Sched. 35, s. 19.

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 2, s. 38 (4)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s38s4) - 15/12/2009

[2019, c. 7, Sched. 35, s. 19](http://www.ontario.ca/laws/statute/S19007" \l "sched35s19) - 29/05/2019

Several causes may be tried in succession with the same jury

**29** (1)  Despite sections 27, 27.1 and 28, unless a party objects, the court may try any issue or assess damages with a jury previously selected to try any other issue or to assess damages. 2009, c. 33, Sched. 2, s. 38 (5).

Same

(2)  Despite subsection (1), unless a party objects, the court may order any juror from the previously selected jury whom both parties consent to withdraw or who may be justly challenged or excused by the court, to retire and may cause another juror to be selected in accordance with section 27 or 27.1, as the case may be, in his or her place, in which case the issue shall be tried or the damages assessed with the remaining members of the previously selected jury and the new juror or jurors, as the case may be, who appear and are approved as indifferent. 2009, c. 33, Sched. 2, s. 38 (5).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 2, s. 38 (5)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s38s5) - 15/12/2009

Supplementary jurors may be appointed if a full jury does not appear

**30** (1)  Where a full jury does not appear at a sitting for civil matters, or where, after the appearance of a full jury, by challenge of any of the parties, the jury is likely to remain untaken for default of jurors, the court may command the local sheriff for the jury area to name and appoint, as supplementary jurors, so many of such other eligible persons of the jury area then present, or who can be found, as will make up a full jury, and the local sheriff shall summon such persons to serve on the jury. 2019, c. 7, Sched. 35, s. 20.

Adding names of supplementary jurors

(2)  Where a full jury does not appear, the names of the persons so returned shall be added to the panel returned upon the precept. R.S.O. 1990, c. J.3, s. 30 (2).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 20](http://www.ontario.ca/laws/statute/S19007" \l "sched35s20) - 29/05/2019

Local sheriff to note names of jurors who do not serve

**31** Immediately after the sitting of the court, the local sheriff for the jury area shall note on the jury roll the non-attendance or default of every juror who has not attended and who has not been discharged by the court. 2019, c. 7, Sched. 35, s. 21.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 21](http://www.ontario.ca/laws/statute/S19007" \l "sched35s21) - 29/05/2019

Challenges

Lack of eligibility

**32** If a person not eligible is drawn as a juror for the trial of an issue in any proceeding, the want of eligibility is a good cause for challenge. R.S.O. 1990, c. J.3, s. 32.

Peremptory challenges in civil cases

**33** In any civil proceeding, the plaintiff or plaintiffs, on one side, and the defendant or defendants, on the other, may challenge peremptorily any four of the jurors drawn to serve on the trial, and such right of challenge extends to the Crown when a party. R.S.O. 1990, c. J.3, s. 33.

Ratepayers, officers, etc., of municipality may be challenged

**34** In a proceeding to which a municipality, other than an upper-tier municipality, is a party, every ratepayer, and every officer or servant of the corporation is, for that reason, liable to challenge as a juror. R.S.O. 1990, c. J.3, s. 34; 2019, c. 7, Sched. 35, s. 22.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 22](http://www.ontario.ca/laws/statute/S19007" \l "sched35s22) - 29/05/2019

General

Assignation by Jury Sheriff

**34.1**The Jury Sheriff may, in writing, further assign any of his or her assigned powers and duties under this Act to any person, subject to such limitations, conditions and requirements as may be set out in the assignation. 2019, c. 7, Sched. 35, s. 23.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 23](http://www.ontario.ca/laws/statute/S19007" \l "sched35s23) - 29/05/2019

Payments under *Administration of Justice Act*

Fees payable to jurors

**35** (1)  Such fees and allowances as are prescribed under the Administration of Justice Act shall be paid to every juror attending a sitting of the Superior Court of Justice and every person summoned to attend as a member of a jury panel. 2019, c. 7, Sched. 35, s. 24.

Sums to be paid with record when entered for trial in jury cases

(2)  With every record entered for trial of issues or assessment of damages by a jury in the Superior Court of Justice there shall be paid to the local registrar of the Superior Court of Justice such sum as is prescribed under the Administration of Justice Act, and the record shall not be entered unless such sum is first paid. R.S.O. 1990, c. J.3, s. 35 (2); 2006, c. 19, Sched. C, s. 1 (1).

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 24](http://www.ontario.ca/laws/statute/S19007" \l "sched35s24) - 29/05/2019

Attendance and fees

List of jurors to be recorded

**36** (1)  The clerk of the court or the local sheriff for the jury area shall, at the opening of the court and before any other business is proceeded with, record the names of those jurors who are present or absent. 2019, c. 7, Sched. 35, s. 25 (1).

Record of fees paid

(2)  The local sheriff for the jury area shall keep a record of the payment of fees to jurors for attending sittings of a court. R.S.O. 1990, c. J.3, s. 36 (2); 2019, c. 7, Sched. 35, s. 25 (2).

When fees payable

(3)  A juror is not entitled to fees or expenses in respect of days that he or she does not or is not required to attend. R.S.O. 1990, c. J.3, s. 36 (3).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 25 (1, 2)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s25s1) - 29/05/2019

**36.1** Repealed: 2019, c. 7, Sched. 35, s. 26.

**Section Amendments with date in force (d/m/y)**

1994, c. 27, s. 48 (9) - 28/02/1995

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 26](http://www.ontario.ca/laws/statute/S19007" \l "sched35s26) - 29/05/2019

Regulations

**37** The Attorney General may make regulations,

(a) prescribing anything that is referred to in this Act as prescribed;

(b) prescribing the manner of keeping jury rolls and lists of jury panels and records thereof and requiring and prescribing the form of the certification or authentication of entries therein;

(b.1) setting out restrictions or conditions that apply to the collection, use or disclosure of personal information by the Jury Sheriff, for the purposes of subsection 16 (3);

(b.2) prescribing a police service for the purposes of subsection 16 (4);

(c) establishing jury areas for the purposes of this Act and the regulations. R.S.O. 1990, c. J.3, s. 37; 1994, c. 27, s. 48 (10); 2009, c. 33, Sched. 2, s. 38 (6, 7); 2019, c. 7, Sched. 35, s. 27.

**Section Amendments with date in force (d/m/y)**

1994, c. 27, s. 48 (10) - 28/02/1995

[2009, c. 33, Sched. 2, s. 38 (6)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s38s6) - 15/12/2009; [2009, c. 33, Sched. 2, s. 38 (7)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s38s7) - 30/06/2010

[2018, c. 3, Sched. 5, s. 29 (2)](http://www.ontario.ca/laws/statute/S18003" \l "sched5s29s2) - no effect - see [2019, c. 1, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S19001" \l "sched3s5) - 26/03/2019

[2019, c. 7, Sched. 35, s. 27 (1, 2, 4)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s27s1) - 29/05/2019; [2019, c. 7, Sched. 35, s. 27 (3)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s27s3) - 01/04/2024

Offences

**38** (1)  Every person who,

(a) wilfully makes or causes to be made any alteration in any roll or panel or in any certified copy thereof except in accordance with this Act;

(b) falsely certifies any roll or panel; or

(c) influences or attempts to influence the selection of persons for inclusion in or omission from any jury roll or panel, except in a proper procedure under this Act,

is guilty of an offence and on conviction is liable to a fine of not more than $10,000 or to imprisonment for a term of not more than two years, or to both. R.S.O. 1990, c. J.3, s. 38 (1).

Idem

(2)  Every sheriff, or clerk or registrar of a court, who refuses to perform any duty imposed on him or her by this Act, is guilty of an offence and on conviction is liable to a fine of not more than $5,000. R.S.O. 1990, c. J.3, s. 38 (2).

Idem

(3)  Every person who is required to complete a jury questionnaire and who,

(a) without reasonable excuse fails to complete the questionnaire or submit it to the Jury Sheriff in accordance with section 6;

(b) knowingly gives false or misleading information in the questionnaire,

is guilty of an offence and on conviction is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1990, c. J.3, s. 38 (3); 2017, c. 20, Sched. 2, s. 34 (1-3); 2019, c. 7, Sched. 35, s. 28 (1); 2023, c. 2, Sched. 3, s. 7 (1).

Evidence

(4)  For the purposes of subsection (3), the failure of the Jury Sheriff to receive a completed jury questionnaire from a person within the 30-day deadline required by subsection 6 (6) is proof, in the absence of evidence to the contrary, that the person failed to submit the questionnaire in the time required, subject to any extensions of the deadline under clause 6 (8) (b) or (10) (b). 2023, c. 2, Sched. 3, s. 7 (2).

Certificate as evidence

(5)  A statement as to the receipt or non-receipt of a completed jury questionnaire purporting to be certified by the Jury Sheriff is, without proof of the appointment or signature of the Jury Sheriff, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein in any prosecution under subsection (3). R.S.O. 1990, c. J.3, s. 38 (5); 2017, c. 20, Sched. 2, s. 34 (5); 2019, c. 7, Sched. 35, s. 28 (3).

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 2, s. 34 (1-5)](http://www.ontario.ca/laws/statute/S17020" \l "sched2s34s1) - 01/01/2018

[2019, c. 7, Sched. 35, s. 28 (1-3)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s28s1) - 29/05/2019

[2023, c. 2, Sched. 3, s. 7 (1, 2)](http://www.ontario.ca/laws/statute/S23002" \l "sched3s7s1) - 22/03/2023

Contempt of court

**39** Every person is in contempt of court who, without reasonable excuse,

(a) having been duly summoned to attend on a jury, does not attend in pursuance of the summons, or being there called does not answer to his or her name; or

(b) being a juror or supplementary juror, after having been called, is present but does not appear, or after appearing wilfully withdraws from the presence of the court; or

(c) being a sheriff, wilfully empanels and selects to serve on a jury a person whose name has not been duly drawn upon the panel in the manner set out in this Act; or

(d) being a registrar or other officer wilfully records the appearance of a person so summoned and returned who has not actually appeared. R.S.O. 1990, c. J.3, s. 39; 2019, c. 7, Sched. 35, s. 29.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 29](http://www.ontario.ca/laws/statute/S19007" \l "sched35s29) - 29/05/2019

Idem, tampering with jurors

**40** (1)  Every person is in contempt of court who, being interested in an action that is or is to be entered for trial or may be tried in the court, or being the solicitor, counsel, agent or emissary of such person, before or during the sitting or at any time after a juror on the jury panel for such court has been summoned knowingly, directly or indirectly, speaks to or consults with the juror respecting such action or any matter or thing relating thereto. R.S.O. 1990, c. J.3, s. 40 (1); 2019, c. 7, Sched. 35, s. 30.

Revocation or suspension of licence, etc.

(2)  A solicitor, barrister or student-at-law who is guilty of such offence may, in addition to any other penalty, have his or her licence under the Law Society Act to practise law or provide legal services revoked or suspended, or his or her name may be erased from the register of the Law Society or removed from the register for a limited time, by the Superior Court of Justice upon motion at the instance and in the name of the Attorney General. 2006, c. 21, Sched. C, s. 114.

Exception where juror is a party or witness

(3)  This section does not apply where a juror is also a party to or a known witness or interested in the action or is otherwise ineligible as a juror in the action, nor to anything that may properly take place in the course of the trial or conduct of the action. R.S.O. 1990, c. J.3, s. 40 (3).

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006; [2006, c. 21, Sched. C, s. 114](http://www.ontario.ca/laws/statute/S06021" \l "schedcs114) - 01/05/2007

[2019, c. 7, Sched. 35, s. 30](http://www.ontario.ca/laws/statute/S19007" \l "sched35s30) - 29/05/2019

Leave of absence from employment

**41** (1)  Every employer shall grant to an employee who is summoned for jury service a leave of absence, with or without pay, sufficient for the purpose of the discharge of the employee’s duties, and, upon the employee’s return, the employer shall reinstate the employee to his or her position, or provide the employee with alternative work of a comparable nature at not less than his or her wages at the time the leave of absence began and without loss of seniority or benefits accrued to the commencement of the leave of absence. R.S.O. 1990, c. J.3, s. 41 (1).

Liability of employer for breach

(2)  An employer who fails to comply with subsection (1) is liable to the employee for any loss occasioned by the breach of the obligation. R.S.O. 1990, c. J.3, s. 41 (2).

Penalty for reprisals

(3)  Every employer who, directly or indirectly,

(a) threatens to cause or causes an employee loss of position, or employment; or

(b) threatens to impose or imposes on an employee any pecuniary or other penalty,

because of the employee’s response to a summons, or service as a juror, is guilty of an offence and on conviction is liable to a fine of not more than $10,000 or to imprisonment for a term of not more than three months, or to both. R.S.O. 1990, c. J.3, s. 41 (3).

Posting up copies of s. 139 (2, 3) of *Criminal Code*

**42** The local sheriff for a jury area shall at the sittings of the Superior Court of Justice for trials by jury post up in the court room and jury rooms and in the general entrance hall of the court house printed copies in conspicuous type of subsections 139 (2) and (3) of the Criminal Code (Canada) and subsection 40 (1) of this Act. R.S.O. 1990, c. J.3, s. 42; 2006, c. 19, Sched. C, s. 1 (1); 2019, c. 7, Sched. 35, s. 31.

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

[2019, c. 7, Sched. 35, s. 31](http://www.ontario.ca/laws/statute/S19007" \l "sched35s31) - 29/05/2019

Saving of former powers of court and judges except as altered

**43** Nothing in this Act alters, abridges or affects any power or authority that any court or judge has, or any practice or form in regard to trials by jury, juries or jurors, except in those cases only where such power or authority, practice or form is repealed or altered, or is inconsistent with any of the provisions of this Act. R.S.O. 1990, c. J.3, s. 43.

Omissions to observe this Act not to vitiate the verdict

**44** (1)  The omission to observe any of the provisions of this Act respecting the eligibility, selection, balloting and distribution of jurors, the preparation of the jury roll or the drafting of panels from the jury roll is not a ground for impeaching or quashing a verdict or judgment in any action. R.S.O. 1990, c. J.3, s. 44 (1).

Panel deemed properly selected

(2)  Subject to sections 32 and 34, a jury panel returned by the Jury Sheriff for the purposes of this Act shall be deemed to be properly selected for the purposes of the service of the jurors in any matter or proceeding. R.S.O. 1990, c. J.3, s. 44 (2); 2019, c. 7, Sched. 35, s. 32 (1).

Transition

(3)  Subject to sections 32 and 34, a jury panel returned by a sheriff for the purposes of this Act, as it read before the day subsection 32 (2) of Schedule 35 to the Protecting What Matters Most Act (Budget Measures), 2019 came into force, shall continue to be deemed to be properly selected for the purposes of the service of the jurors in any matter or proceeding. 2019, c. 7, Sched. 35, s. 32 (2).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 32 (1, 2)](http://www.ontario.ca/laws/statute/S19007" \l "sched35s32s1) - 29/05/2019

Transition

**45** (1)  This Act, as it read before the day this section came into force, continues to apply with respect to,

(a) the jury roll prepared in the year before the day this section came into force; and

(b) any proceeding involving a jury that is initiated before a new jury roll is certified under section 9 in the year in which this section comes into force. 2019, c. 7, Sched. 35, s. 33.

Same

(2)  For greater certainty, a jury roll prepared in accordance with this Act as it read before the day this section came into force continues to be valid for the purposes of supplying the names of additional eligible jurors under section 11. 2019, c. 7, Sched. 35, s. 33.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 35, s. 33](http://www.ontario.ca/laws/statute/S19007" \l "sched35s33) - 29/05/2019

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