



ST. HELENA

## CHAPTER 20

# JURIES ORDINANCE

### Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legalandlands.gov.sh](mailto:pa.lawofficers@legalandlands.gov.sh)]<sup>1</sup>

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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Ordinance 6 of 1979 .. in force 16 November 1979

No Subsidiary Legislation has been made under this Ordinance

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

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**CHAPTER 20****JURIES ORDINANCE**

*(Ordinance 6 of 1979)*

AN ORDINANCE TO MAKE PROVISION IN THE LAW OF ST. HELENA AS TO JURIES, JURORS AND JURY SERVICE AND FOR PURPOSES CONNECTED THEREWITH.

**Commencement**

*[16 November 1979]*

**Short title**

1. This Ordinance may be cited as the Juries Ordinance.

**Qualification for jury service**

2. Subject to the provisions of this Ordinance, every person between the ages of twenty-one and sixty years, being of sound mind and not afflicted with deafness, blindness, or other such infirmity, who is a good and sufficient person resident within the Island, and who has a knowledge of the English language sufficient to enable him to understand the evidence of witnesses, the address of counsel and the Judge's summing up, shall be qualified and liable to

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serve as a juror, subject to the exceptions hereinafter provided in the Schedule to this Ordinance. Notwithstanding anything herein contained it shall be lawful for the Supreme Court (hereinafter referred to as “the court”) of its own motion or on the application of the Registrar of the Supreme Court (hereinafter referred to as “the Registrar”) or of any party interested to discharge any person summoned to serve as a juror who is unable to satisfy the court or Registrar that his knowledge of the English language is sufficient for the purposes aforesaid.

### **Summoning**

**3. (1)** Subject to the provisions of this Ordinance, the Sheriff shall be responsible for the summoning of jurors to attend for service in the court and for determining the occasions on which they are to attend when so summoned, and the number to be summoned.

**(2)** In making arrangements to discharge his duty under subsection (1) above the Sheriff shall have regard to the convenience of the persons summoned and to their respective places of residence.

**(3)** Subject to the provisions of this Ordinance, jurors shall be so summoned by notice in writing sent by post, or delivered by hand.

The notice shall be regarded as properly addressed if the address is that shown in the Register of Electors, and a notice so addressed, and delivered by hand to that address, shall be deemed to have been delivered personally to the person to whom it is addressed unless the contrary is proved.

**(4)** A written summons sent or delivered to any person under subsection (3) shall be accompanied by a notice informing him—

*(a)* of the effect of sections 9(1), 10 and 18(5) of this Ordinance; and

*(b)* that he may make representations to an officer (hereinafter referred to as “the appropriate officer”) such as may be designated for the purpose in question in accordance with arrangements made by the Sheriff, with a view to obtaining the withdrawal of the summons, if for any reason he is not qualified for jury service, or wishes or is entitled to be excused,

and where a person attends in pursuance of such a summons, or of a summons under section 6 of this Ordinance, the appropriate officer may put or cause to be put to him such questions as the officer thinks fit in order to establish whether or not the person is qualified for jury service.

**(5)** A certificate signed by the appropriate officer and stating that a written summons under this Ordinance, properly addressed, was posted by him shall be admissible as evidence in any proceedings, and shall be so admissible without proof of his signature or official character.

### **Withdrawal or alteration of summonses**

**4.** If it appears to the appropriate officer, at any time before the day on which any person summoned under section 3 of this Ordinance is first to attend, that his attendance is unnecessary, or can be dispensed with on any particular day or days, the appropriate officer may withdraw or alter the summons by notice served in the same way as a notice of summons.

### **Panels**

**5. (1)** The arrangements to be made by the Sheriff under this Ordinance shall include the preparation of lists (called panels) of persons summoned as jurors, and the information to be included in panels, the court sittings for which they are prepared, their division into parts or sets (whether according to the day of first attendance or otherwise), their

enlargement or amendment, and all other matters relating to the contents and form of the panels shall be such as the Sheriff may from time to time direct.

(2) A party to proceedings in which jurors are or may be called on to try an issue, and any person acting on behalf of a party to such proceedings, shall be entitled to reasonable facilities for inspecting the panel from which the jurors are or will be drawn.

(3) The right conferred by subsection (2) shall not be exercisable after the close of the trial by jury (or after the time when it is no longer possible for there to be a trial by jury).

(4) The court may, if it thinks fit, at any time afford to any person facilities for inspecting the panel, although not given the right by subsection (2).

### Summoning in exceptional circumstances

6. (1) If it appears to the court that a jury to try any issue before the court will be, or probably will be, incomplete, the court may, if the court thinks fit, require any persons who are in, or in the vicinity of the court, to be summoned (without any written notice) for jury service up to the number needed (after allowing for any who may not be qualified under section 2 of this Ordinance, and for refusals and challenges) to make up a full jury.

(2) The names of the persons so summoned shall be added to the panel and the court shall proceed as if those so summoned had been included in the panel in the first instance.

### Attendance

7. Subject to the provisions of this Ordinance, a person summoned under this Ordinance shall attend for so many days as may be directed by the summons or by the appropriate officer.

### Excusal for previous jury service

8. (1) If a person summoned under this Ordinance shows to the satisfaction of the appropriate officer, or of the court—

- (a) that he has served on a jury, or duly attended to serve on a jury, in the prescribed period ending with the service of the summons on him; or
- (b) that the court has excluded him from jury service for a period which has not terminated,

the officer or court shall excuse him from attending, or further attending, in pursuance of the summons.

(2) In subsection (1) “**the prescribed period**” means two years or such longer period as the Sheriff may prescribe.

(3) Records of persons summoned under this Ordinance, and of persons included in panels, shall be kept in such manner as the Sheriff may direct, and the Sheriff may, if he thinks fit, make arrangements for allowing inspection by members of the public of the records so kept in such circumstances and subject to such conditions as he may prescribe.

(4) A person duly attending in compliance with a summons under this Ordinance shall be entitled on application to the appropriate officer to a certificate recording that he has so attended.

(5) In subsection (1), the words “**served on a jury**” excludes service on a jury in a Coroner’s court.

### **Excusal for certain persons and discretionary excusal**

**9. (1)** A person summoned under this Ordinance shall be entitled, if he so wishes, to be excused from jury service if he is among the persons listed in Part III of the Schedule to this Ordinance but, except as provided by that Part of the Schedule in the case of members of the forces, a person shall not by this section be exempt from his obligation to attend if summoned unless he is excused from attending under subsection (2).

**(2)** If any person summoned under this Ordinance shows to the satisfaction of the appropriate officer that there is good reason why he should be excused from attending in pursuance of the summons, the appropriate officer may excuse him from so attending and shall do so if the reason shown is that the person is entitled under subsection (1) to excusal.

**(3)** There shall be a right of appeal to the court before which the person is summoned to attend against any refusal of the appropriate officer to excuse him under subsection (2).

**(4)** Without prejudice to the provisions of this section the court before which a person is summoned to attend under this Ordinance may excuse that person from attending.

### **Discharge of summonses in case of doubt as to capacity to act effectively as a juror**

**10.** Where it appears to the appropriate officer, in the case of a person attending in pursuance of a summons under this Ordinance, that on account of physical disability or insufficient understanding of English there is doubt as to his capacity to act effectively as a juror, the person may be brought before the judge, who shall determine whether or not he should act as a juror and, if not, shall discharge the summons; and for this purpose “**the judge**” means any person authorised by law to hold the court, or, in the case of a Coroner’s inquest, the Coroner.

### **The ballot and swearing of jurors**

**11. (1)** The jury to try an issue before a court shall be selected by ballot in open court from the panel, or part of the panel, of jurors summoned to attend at the time and place in question.

**(2)** The power of summoning jurors under section 6 of this Ordinance may be exercised after balloting has begun, as well as earlier, and if exercised after balloting has begun the court may dispense with balloting for persons summoned under that section.

**(3)** No two or more members of a jury to try an issue in a court shall be sworn together.

**(4)** Subject to subsection (5), the jury selected by any one ballot shall try only one issue (but any juror shall be liable to be selected on more than one ballot).

**(5)** Subsection (4) shall not prevent—

- (a)** the trial of two or more issues by the same jury if the trial of the second or last issue begins within 24 hours from the time when the jury is constituted; or
- (b)** in a criminal case, the trial of fitness to plead by the same jury as that by whom the accused is being tried; or
- (c)** in a criminal case beginning with a special plea, the trial of the accused on the general issue by the jury trying the special plea.

**(6)** In the cases within subsection (5)(a), (b) and (c) the court may, on the trial of the second or any subsequent issue, instead of proceeding with the same jury in its entirety, order any juror to withdraw, if the court considers he could be justly challenged or excused, or if the

parties to the proceedings consent, and the juror to replace him shall, subject to subsection (2), be selected by ballot in open court.

### **Separation**

**12.** Upon the trial of any person for an offence on indictment the court may, if it thinks fit, at any time before the jury consider their verdict, permit them to separate.

### **Views**

**13.** Supreme Court rules, and rules of court for civil cases, may make provision as respects views by jurors, and the places to which a juror may be called on to go to view shall not be restricted to any particular area.

### **Continuation of criminal trial on death or discharge of a juror**

**14. (1)** Where in the course of a trial of any person for an offence on indictment any member of the jury dies or is discharged by the court whether as being through illness incapable of continuing to act or for any other reason, but the number of its members is not reduced below six, the jury shall nevertheless (subject to subsections (2) and (3)) be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a verdict may be given accordingly.

**(2)** On a trial for murder or for any offence punishable with death, subsection (1) shall not apply on the death or discharge of any member of the jury unless assent to its then applying is given in writing by or on behalf of both the prosecution and the accused or each of the accused.

**(3)** Notwithstanding subsection (1), on the death or discharge of a member of the jury in the course of a trial of any person for an offence on indictment the court may discharge the jury in any case where the court sees fit to do so.

### **Unanimous verdicts**

**15. (1)** Subject to subsection (2) the verdict of a jury in proceedings in the court shall be unanimous.

**(2)** This section is without prejudice to any practice in civil proceedings by which a court may accept a majority verdict with the consent of the parties, or by which the parties may agree to proceed in any case with an incomplete jury.

### **Judgements: stay or reversal**

**16. (1)** No judgement after verdict in any trial by jury in any court shall be stayed or reversed by reason—

- (a)** that the provisions of this Ordinance about the summoning or impanelling of jurors, or the selection of jurors by ballot, have not been complied with; or
- (b)** that a juror was not qualified in accordance with section 2 of this Ordinance; or
- (c)** that any juror was misnamed or misdescribed; or
- (d)** that any juror was unfit to serve.

**(2)** Subsection (1)(a) shall not apply to any irregularity if objection is taken at, or as soon as practicable after, the time it occurs, and the irregularity is not corrected.

(3) Nothing in subsection (1) shall apply to any objection to a verdict on the ground of personation.

### Payment for jury service

17. (1) A person who serves as a juror shall be entitled, in respect of his attendance at court for the purpose of performing jury service, to receive payments, at the prescribed rates and subject to any prescribed conditions.

(2) In subsection (1) above “**prescribed**” means prescribed by rules made under the Courts (Rules) Ordinance.<sup>2</sup>

### Offences

18. (1) Subject to the provisions of subsections (2) to (4)—

(a) if a person duly summoned under this Ordinance fails to attend (on the first or on any subsequent day on which he is required to attend by the summons or by the appropriate officer) in compliance with the summons; or

(b) if a person, after attending in pursuance of a summons, is not available when called on to serve as a juror, or is unfit for service by reason of drink or drugs,

he shall be liable to a fine not exceeding £100.

(2) An offence under subsection (1) shall be punishable either on summary conviction or as if it were criminal contempt of court committed in the face of the court.

(3) Subsection (1)(a) shall not apply to a person summoned, otherwise than under section 6 of this Ordinance, unless the summons was duly served on him on a date not later than seven days before the date fixed by the summons for his first attendance.

(4) A person shall not be liable to be punished under the preceding provisions of this section if he can show some reasonable cause for his failure to comply with the summons, or for not being available when called on to serve, and those provisions have effect subject to the provisions of this Ordinance about the withdrawal or alteration of a summons and about the granting of any excusal.

(5) If any person—

(a) having been summoned under this Ordinance, makes or causes or permits to be made on his behalf, any false representation to the appropriate officer with the intention of evading jury service; or

(b) makes or causes to be made on behalf of another person who has been so summoned any false representation to that officer with the intention of enabling the other to evade jury service; or

(c) when any question is put to him in pursuance of section 3(4) of this Ordinance, refuses without reasonable excuse to answer, or gives an answer which he knows to be false in a material particular, or recklessly gives an answer which is false in a material particular; or

(d) knowing that he is ineligible for jury service under Group A, B or C in Part I of the Schedule to this Ordinance, or disqualified under Part II of that Schedule, serves on a jury,

he shall be liable on summary conviction to a fine not exceeding £200 in the case of an offence of serving on a jury when disqualified and, in any other case, a fine not exceeding £100.

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<sup>2</sup> Cap. 9

**SCHEDULE****INELIGIBILITY AND DISQUALIFICATION  
FOR AND EXCUSAL FROM JURY SERVICE****PART I****PERSONS INELIGIBLE****Group A***The Judiciary*

Judges.

Registrars, deputy registrars and assistant registrars of any court.

Justices of the peace.

Stipendiary magistrates.

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

**Group B***Others concerned with administration of justice*

The Attorney-General.

Barristers and solicitors, whether or not in actual practice as such.

Solicitors' articulated clerks.

Barristers' clerks and their assistants.

The Crown Prosecutor.

Officers employed by the Government of St. Helena and concerned wholly or mainly with the day-to-day administration of the legal system or any part of it.

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.

Justices clerks and their assistants.

A shorthand writer in any court.

Probation officers and persons appointed to assist them.

A member of the St. Helena Police Force, including special constables.

Civilians employed for police purposes by the St. Helena Police Force.

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

**Group C***The clergy*

A man in holy orders.

A regular minister of any religious denomination.



**Group D***The mentally ill*

A person who suffers or has suffered from mental illness, subnormality, severe subnormality or psychopathic disorder and on account of that condition either—

- (a) is resident in a hospital or other similar institution; or
- (b) regularly attends for treatment by a medical practitioner.

A person who under the Mental Health Ordinance has been determined to be a person of unsound mind.

**PART II****PERSONS DISQUALIFIED**

A person who has at any time been sentenced in the Supreme Court of St. Helena—

- (a) to imprisonment for life or for a term of five years or more; or
- (b) to be detained during the Governor's pleasure.

A person who at any time in the last ten years has, in St. Helena or Ascension—

- (i) served any part of a sentence of imprisonment or detention, being a sentence for a term of three months or more; or
- (ii) been detained in a remand home.

**PART III****PERSONS EXCUSABLE AS OF RIGHT***Medical and other similar professions*

The following, if actually practising their profession and registered (including provisionally or temporarily registered), enrolled or certified under the written law relating to that profession—

medical practitioners,	veterinary surgeons and
dentists,	veterinary practitioners,
nurses,	pharmaceutical chemists.
midwives,	

*The Forces*

Full time serving members of any of Her Majesty's naval, military or air forces.

*Legislative Council*

Members of Legislative Council, including *ex officio* members.