

JURY ACT, 1977

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 18, 1977.

An Act to amend and consolidate the law relating to juries; to repeal the Jury Act, 1912, and certain other Acts; and to amend the Mental Health Act, 1958, the Coroners Act, 1960, and the Supreme Court Act, 1970. [Assented to, 24th March, 1977.]

BE

Jury.

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

PART I.

PRELIMINARY.

1. This Act may be cited as the "Jury Act, 1977". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

(2) Except as provided in subsection (1) and Schedule 8, this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :— Division
of Act.

PART I.—PRELIMINARY—*ss.* 1–4.

PART II.—QUALIFICATIONS AND LIABILITY FOR JURY SERVICE—*ss.* 5–8.

PART III.—JURY DISTRICTS AND JURY ROLLS—*ss.* 9–18.

PART IV.—TRIAL BY JURY—*ss.* 19–22.

PART V.—SUMMONING OF JURORS—*ss.* 23–40.

DIVISION 1.—Summoning of jurors for trials or coronial inquests—ss. 23–28.

DIVISION

Jury.

DIVISION 2.—*Jury pools*—ss. 29–36.

DIVISION 3.—*General*—ss. 37–40.

PART VI.—CHALLENGE—ss. 41–47.

PART VII.—SELECTION OF JURY—ss. 48–53.

PART VIII.—PROCEEDINGS UPON TRIAL OR INQUEST—
ss. 54–59.

PART IX.—OFFENCES—ss. 60–71.

PART X.—GENERAL—ss. 72–79.

SCHEDULE 1.—PERSONS DISQUALIFIED FROM SERVING
AS JURORS.

SCHEDULE 2.—PERSONS INELIGIBLE TO SERVE AS
JURORS.

SCHEDULE 3.—PERSONS WHO MAY CLAIM EXEMPTION
AS OF RIGHT.

SCHEDULE 4.—REPEALS.

SCHEDULE 5.—AMENDMENTS TO THE MENTAL
HEALTH ACT, 1958.

SCHEDULE 6.—AMENDMENTS TO THE CORONERS
ACT, 1960.

SCHEDULE 7.—AMENDMENTS TO THE SUPREME
COURT ACT, 1970.

SCHEDULE 8.—TRANSITIONAL AND SAVINGS
PROVISIONS.

Jury.

4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— **Interpre-**
tation.

“civil proceedings” means proceedings—

- (a) in the Supreme Court on a claim for relief within the meaning of the Supreme Court Act, 1970; or
- (b) in the District Court in its civil jurisdiction;

“coronial inquest” means an inquest or inquiry held before a coroner and a jury pursuant to section 14 of the Coroners Act, 1960;

“criminal proceedings” means proceedings—

- (a) for the prosecution of offenders on indictment; or
- (b) under section 23 or 26 of the Mental Health Act, 1958;

“draft jury roll” means a roll of persons selected under section 12;

“electoral district” has the meaning ascribed thereto in the Parliamentary Electorates and Elections Act, 1912;

“general jury precept” means a precept issued under section 23 (1);

“indictment” includes any information presented or filed as provided by law for the prosecution of offenders;

“jury period”, in relation to any jury district, means the period during which a jury roll for that district remains in force;

“jury pool” means a pool of jurors from which, pursuant to an order under section 29 (1), juries may be selected for trials to which the pool relates;

“jury

Jury.

“jury pool precept” means a precept issued under section 33 (1);

“jury roll”, in relation to any jury district, means the jury roll in force for that district under section 16;

“pool judge”, in relation to a jury pool, means the senior judge engaged for the time being in any trial to which the pool relates;

“pool officer” means a person, appointed by the sheriff, for the time being in charge of a jury pool;

“regulation” means a regulation made under this Act;

“subdivision” has the meaning ascribed thereto in Part IV of the Parliamentary Electorates and Elections Act, 1912;

“summons” means a summons issued under section 27 or 31;

“trial” means a trial by or with a jury in any criminal or civil proceedings;

“verdict” includes an assessment in civil proceedings.

(2) A reference in this Act to the deletion of a person from a draft jury roll or a jury roll is a reference to the deletion of the name of, and other particulars relating to, the person from that roll.

Jury.

PART II.

QUALIFICATIONS AND LIABILITY FOR JURY SERVICE.

5. Subject to this Act, every person who is enrolled as an elector for the Legislative Assembly of New South Wales pursuant to the Parliamentary Electorates and Elections Act, 1912, is qualified and liable to serve as a juror.

Persons qualified and liable to serve as jurors.

6. A person is not qualified or liable to serve as a juror if that person is, for the time being—

Persons not qualified or liable to serve as jurors.

(a) disqualified from serving as a juror, being a person referred to in Schedule 1; or

(b) ineligible to serve as a juror, being a person referred to in Schedule 2.

7. A person referred to in Schedule 3 is entitled as of right to be exempted from serving as a juror if that person claims exemption in accordance with section 13 or 18 (3).

Persons entitled to be exempted from serving as jurors.

8. Regulations may be made under section 76 for the purpose of adding any matter to, deleting any matter from or altering any matter in Schedule 1, 2 or 3.

Amendment of Schedule 1, 2 or 3.

Jury.

PART III.

JURY DISTRICTS AND JURY ROLLS.

Jury
districts.

9. (1) There shall be a jury district for each place appointed for sittings of the Supreme Court or the District Court for the trial of any criminal or civil proceedings.

(2) A jury district shall comprise such electoral districts or subdivisions as are prescribed.

Sheriff
to prepare
jury rolls.

10. The sheriff shall, at least once every 3 years, prepare a jury roll for each jury district in accordance with this Part.

Electoral
Commissioner to
deliver
copies of
electoral
rolls to
sheriff.

11. The Electoral Commissioner shall, upon request made by the sheriff, deliver to the sheriff the latest available copies of the rolls of electors for such electoral districts or subdivisions as the sheriff may require for the purpose of preparing jury rolls.

Draft
jury roll
to be
selected
at random.

12. (1) The sheriff shall, in respect of each jury district, select at random a sufficient number of persons which, in his estimate, will provide, after the deletion of those persons who are not qualified or liable to serve as jurors or who duly claim to be exempted therefrom, the number of persons required to serve as jurors in that district for the next ensuing jury period.

(2) A selection under subsection (1)—

- (a) may be made by computer; and
- (b) shall be made from the persons on the copies of the rolls of electors, supplied under section 11, for the electoral districts and subdivisions in the jury district.

Jury.

13. (1) The sheriff shall send to each person included on a draft jury roll who is apparently qualified and liable to serve as a juror a notice in the prescribed form—

Persons included on draft jury roll to be notified.

- (a) notifying that person of his inclusion on that draft jury roll;
- (b) specifying the persons disqualified from serving as jurors or ineligible to serve as jurors and the persons entitled as of right to be exempted from serving as jurors; and
- (c) requiring that person if so disqualified or ineligible or if claiming exemption to inform the sheriff within the time specified in the notice of—
 - (i) the fact of, and reasons for, that disqualification or ineligibility; or
 - (ii) that claim and the grounds on which it is made.

(2) The sheriff may require a person who is included on a draft jury roll and who claims exemption from serving as a juror to verify the claim by statutory declaration.

14. (1) The sheriff shall delete from a draft jury roll those persons whom he determines—

Sheriff to delete persons disqualified ineligible or exempt from draft jury roll.

- (a) are disqualified from serving as jurors or ineligible to serve as jurors; or
- (b) are entitled as of right to be exempted from serving as jurors and who have duly claimed exemption.

(2)

Jury.

(2) Where a person informs the sheriff of any disqualification or ineligibility or any claim for exemption pursuant to section 13 and the sheriff determines not to delete that person from the draft jury roll, the sheriff shall forthwith notify that person in writing of his determination and of that person's right to appeal to a court of petty sessions against the determination.

Appeal to
court of
petty
sessions
against
determina-
tion of
sheriff.

15. (1) A person aggrieved by a determination of the sheriff notified to that person under section 14 (2) or 18 (4) may appeal to a court of petty sessions, constituted by a stipendiary magistrate sitting alone and situated in the jury district in which that person resides, by lodging a notice of appeal with the clerk of that court within 21 days of being so notified.

(2) The court of petty sessions shall hear and determine an appeal lodged under subsection (1) and shall—

- (a) if it is satisfied that the person who lodged the appeal is not qualified or liable to serve as a juror or is entitled as of right to be exempted from serving as a juror and has duly claimed exemption—allow the appeal and order the sheriff to delete that person from the draft jury roll or jury roll, as the case may require; or
- (b) in any other case—disallow the appeal.

(3) The decision of a court of petty sessions in respect of an appeal lodged under subsection (1) shall be final and conclusive and shall be given effect to by the sheriff.

(4) A person who lodged an appeal under subsection (1) which has not been heard and determined by a court shall be deemed, for the purposes of section 38, to have good cause to be excused from attending at any court, coronial inquest or jury pool in pursuance of a summons.

Jury.

16. (1) The sheriff shall certify, as the jury roll for each jury district, a list of the persons on the draft jury roll for that district who have not been deleted therefrom by the sheriff under section 14 or pursuant to an order of a court under section 15 (2) (a). Jury roll to be certified by sheriff.

(2) Subject to section 18 (1) (b), a jury roll may be certified by the sheriff under subsection (1) notwithstanding that an appeal lodged under section 15 (1) by a person on that roll has not been heard and determined by a court.

(3) The particulars on a jury roll relating to any person shall be the particulars relating to that person appearing on the copy of the roll of electors for the electoral district or subdivision from which that person was selected under section 12.

(4) The jury roll for a jury district certified under subsection (1) shall remain in force until a new jury roll for that district is certified under that subsection notwithstanding—

- (a) any alteration in the boundaries of that district before the new jury roll is certified; or
- (b) that any or all of the prescribed electoral districts or subdivisions comprised in that district no longer exist.

17. The sheriff shall keep among the records of his office the jury roll in force for each jury district and produce that roll or a certified copy of that roll in any court or at any coronial inquest if it is so required or forward a certified copy of that roll to an officer of any court for production in that court if it is so required. Copies of jury rolls.

18.

Jury.

Sheriff
may amend
jury roll.

- 18.** (1) The sheriff may amend a jury roll—
- (a) by deleting therefrom a person—
 - (i) whom he determines is no longer qualified or liable to serve as a juror;
 - (ii) whom he determines is entitled as of right to be exempted from serving as a juror and has duly claimed exemption under subsection (3); or
 - (iii) who is dead or who no longer resides in the jury district to which the roll relates;
 - (b) to give effect to an order of a court under section 15 (2) (a); or
 - (c) to correct the particulars relating to any person on the roll.

(2) The sheriff shall, where he makes any amendment of a jury roll under subsection (1), cause all certified copies of the roll made for the purposes of section 17 to be similarly amended.

(3) A person who is entitled as of right to be exempted from serving as a juror but who did not claim exemption pursuant to section 13 because the person was not so entitled at that time or for any other good cause may claim exemption by informing the sheriff of that claim and the grounds on which it is made and shall, if required to do so by the sheriff, verify that claim by statutory declaration.

(4) Where a person on a jury roll informs the sheriff of any disqualification from serving as a juror or ineligibility to serve as a juror or any claim for exemption pursuant to subsection (3) and the sheriff determines not to delete that person from the jury roll, the sheriff shall forthwith notify that person in writing of his determination and of that person's right to appeal to a court of petty sessions against the determination.

PART

Jury.

PART IV.

TRIAL BY JURY.

19. Criminal proceedings in the Supreme Court or the District Court shall be tried by a jury consisting of 12 persons returned and selected in accordance with this Act. Trial by jury in criminal proceedings.

20. (1) Subject to subsection (2), where civil proceedings in the Supreme Court or the District Court are to be tried with a jury, the jury shall consist of 4 persons returned and selected in accordance with this Act. Number of jurors in civil proceedings.

(2) The Supreme Court may, upon application by any party to civil proceedings to be tried in the Supreme Court with a jury made at any time after the pleadings in those proceedings are closed, order that the jury shall consist of 12 persons.

21. The jury in any coronial inquest shall consist of 6 persons returned and selected in accordance with this Act. Number of jurors in coronial inquests.

22. Where in the course of any trial or coronial inquest any member of the jury dies or is discharged by the court or coroner whether as being through illness incapable of continuing to act or for any other reason, the jury shall be considered as remaining for all the purposes of that trial or inquest properly constituted if—

- (a) in the case of criminal proceedings, the number of its members is not reduced below 10 or, if so reduced, assent thereto in writing is given by or on behalf of both the person prosecuting for the Crown and the accused or each of the accused;

(b)

Jury.

- (b) in the case of civil proceedings, the number of its members is not reduced, in the case of a jury of 4, below 3 or, in the case of a jury of 12, below 10; or
- (c) in the case of a coronial inquest, the number of its members is not reduced below 4,
- and if the court or the coroner, as the case may be, so orders.
-

PART V.

SUMMONING OF JURORS.

DIVISION 1.—*Summoning of jurors for trials or coronial inquests.*

General
jury
precept.

23. (1) An authorised officer may issue a general jury precept directed to the sheriff requiring him to summon jurors for the trial of criminal or civil proceedings in the Supreme Court or District Court or for a coronial inquest.

(2) For the purposes of subsection (1), an authorised officer is—

- (a) in the case of trials in the Supreme Court—a judge of the Supreme Court or the Prothonotary thereof;
- (b) in the case of trials in the District Court in its civil jurisdiction—the registrar for the proclaimed place at which the precept is returnable;
- (c) in the case of trials in the District Court in its criminal and special jurisdiction—a judge of the District Court, the Clerk of the Peace or a Deputy Clerk of the Peace; and
- (d) in the case of a coronial inquest—the coroner holding the inquest.

24.

Jury.

24. (1) A general jury precept shall—

- (a) be in or to the effect of the prescribed form;
- (b) specify the time and place at which the attendance of the jurors is required; and
- (c) specify the number of jurors required to be summoned.

Form of
general
jury
precept.

(2) The authorised officer who issued a general jury precept may require the sheriff, by notice in writing or in any other manner approved by the sheriff, to summon a different number of jurors from that specified in the precept.

(3) The number of jurors required to be summoned in pursuance of a general jury precept shall—

- (a) in the case of trials—not exceed the number of jurors which, in the estimate of the authorised officer issuing the precept, will ensure the attendance of sufficient jurors to allow full right of challenge to all parties; or
- (b) in the case of coronial inquests—not exceed 12 jurors or such greater number of jurors as the coroner issuing the precept may, in special circumstances, determine.

25. (1) Where the judge of a court or the coroner holding a coronial inquest is satisfied that the sheriff is a party, or in any manner interested, in a trial in that court or the inquest, the general jury precept issued in respect of that trial or inquest shall be issued to such person as the judge or the coroner appoints for that purpose.

Alternate
procedure
where
sheriff is
interested
in case.

(2) A person appointed under subsection (1) shall have access to the records kept by the sheriff for the purposes of this Act and shall have and may exercise and perform all of the powers, authorities, duties and functions of the sheriff for the purposes of the precept.

26.

Jury.

Selection
of jurors
required
by general
jury precept.

26. (1) When a general jury precept is delivered to the sheriff, he shall select at random, from the jury roll for the jury district in which the trial or inquest is to be held, the number of jurors required to be summoned in pursuance of the precept.

(2) The sheriff may select at random from each jury roll a number of persons to constitute a reserve panel for that roll for the purposes of subsection (3).

(3) Where the sheriff does not have sufficient time after a general jury precept is delivered to select the jurors required to be summoned in pursuance of the precept under subsection (1), the sheriff may summon any or all of the persons on the appropriate reserve panel in pursuance of the precept.

(4) A selection under subsection (1) or (2) may be made by computer.

Persons
selected
to be
summoned.

27. (1) The sheriff shall issue to each person selected for the purposes of a general jury precept a summons in or to the effect of the prescribed form requiring the person to attend at the court or coronial inquest, and at the time, specified therein until discharged by the court or coroner, as the case may be.

(2) A summons issued under subsection (1) shall be served on the person to whom it is issued at least 7 days before the time specified therein for his attendance at the court or coronial inquest unless a judge of that court or the coroner holding that inquest, as the case may be, otherwise orders.

Sheriff's
return to
general
jury
precept.

28. (1) At the time and place specified in a general jury precept at which jurors are required to attend, the sheriff shall return the precept and annex to the precept a panel of the names and, if appearing on the jury roll, the occupations of the persons summoned by him in pursuance of the precept, being persons who are qualified and liable to serve as jurors and who have not been duly excused by the sheriff.

(2)

Jury.

(2) The sheriff shall also furnish with a precept returned under subsection (1) the names and other particulars appearing on the jury roll of the persons on the panel on separate cards, each card being as nearly as possible of equal size.

DIVISION 2.—Jury pools.

29. (1) The Governor may, by order published in the *Gazette*, direct that juries for any specified class or classes of trials in the Supreme Court, the District Court or the Supreme Court and District Court may be selected from a jury pool summoned under this Division. Trials for which jury pools may be summoned.

(2) Notwithstanding that a jury for any trial may be selected from a jury pool pursuant to subsection (1), jurors for that trial may be summoned under Division 1.

30. (1) Where a jury pool is required for trials to which the pool relates, the sheriff shall, from time to time as occasion requires, select at random from the jury roll for the jury district in which the trials are to be held the number of persons which in his estimate will ensure the attendance of sufficient persons at the jury pool. Selection of jury pool.

(2) A selection under subsection (1) may be made by computer.

(3) An officer of any court in which trials to which a jury pool relates are held shall, upon request by the sheriff, furnish to the sheriff any particulars required by him relating to trials to be held in that court for the purposes of determining the number of persons required to be summoned to attend at the jury pool.

31.

Jury.

Sheriff to
issue
summons.

31. (1) The sheriff shall issue to each person selected for the purposes of section 30 a summons in or to the effect of the prescribed form requiring the person to attend at a place specified for the assembly of the jurors in the jury pool and at the time specified therein until discharged pursuant to section 35.

(2) A summons issued under subsection (1) shall be served on the person to whom it is issued at least 7 days before the time specified therein for his attendance at the jury pool unless any judge of a court in which trials to which the jury pool relates are held otherwise orders.

Sheriff to
furnish
list of
names, etc.,
of persons
summoned
to jury
pool.

32. (1) The sheriff shall furnish to the pool officer of any jury pool to which persons have been summoned under section 31 at the time and place at which the persons are required to assemble—

- (a) a list of the names and, if appearing on the jury roll, the occupations of the persons so summoned, being persons who are qualified and liable to serve as jurors and who have not been duly excused by the sheriff; and
- (b) the names and other particulars appearing on the jury roll of the persons on the list on separate cards, each card being as nearly as possible of equal size.

(2) The pool officer shall place the cards furnished under subsection (1) (b) in a box to be kept at the place at which the persons named on the cards are required to assemble.

Jury pool
precept.

33. (1) Where a jury is required at any trial to which a jury pool relates, the presiding judge or a person appointed by him for that purpose may issue a jury pool precept directed to the pool officer for that jury pool requiring him to allocate jurors from the jury pool for that trial.

(2)

Jury.

(2) A jury pool precept shall—

- (a) be in or to the effect of the prescribed form;
- (b) specify the time and place at which the attendance of the jurors is required; and
- (c) specify the number of jurors required to be allocated from the jury pool.

34. (1) Where a jury pool precept is delivered to a pool officer, he shall select by ballot from the box referred to in section 32 (2) the number of jurors required in pursuance of the precept. Selection of jurors from jury pool for any trial.

(2) At the time and place specified in the jury pool precept at which the jurors are required to attend, the pool officer shall return the precept and annex to the precept a panel of the names and, if appearing on the jury roll, the occupations of the persons selected by him in pursuance of the precept.

(3) The pool officer shall also furnish with a precept returned under subsection (2) the cards relating to the persons selected in pursuance of the precept.

(4) The persons selected in pursuance of a jury pool precept shall attend at the court and at the time specified in the precept.

(5) A person selected in pursuance of a jury pool precept who is not sworn as a member of the jury for which the precept was issued or who served on that jury shall, unless discharged from attending at the jury pool, return to the place of assembly of the jury pool.

Jury.

Period
juror
required
to attend
jury pool.

35. (1) Subject to this section, a person summoned to attend at a jury pool shall attend for such period, not exceeding 5 consecutive court sitting days, as the pool judge determines in respect of that jury pool.

(2) A person who is sworn as a member of a jury shall be required to attend at the court until discharged notwithstanding that he has attended at the jury pool for a longer period than that determined under subsection (1).

(3) The pool judge may discharge any person from attending at a jury pool for the whole or any part of the period determined under subsection (1) if it appears to the pool judge that the number of jurors in the jury pool is in excess of the number required for trials to which the pool relates.

Regulations
relating to
jury pools.

36. Regulations may be made under section 76 for or with respect to the control, management and operation of jury pools.

DIVISION 3.—*General.*

Persons
rendering
jury service
not to be
selected
again until
all persons
on jury roll
have
rendered
jury service.

37. A person who, in any jury period, attended at a court, coronial inquest or jury pool in pursuance of a summons and was included in a ballot to select a jury under Part VII shall not be selected under section 26 (1) or 30 (1) during that jury period if any person on the same jury roll has not in that jury period attended at a court, coronial inquest or jury pool and been included in such a ballot.

Person
summoned
for jury
service may
be excused
before or
at trial, etc.

38. (1) A person may be excused for good cause from attending at a court, coronial inquest or jury pool in pursuance of a summons—

(a) by the sheriff, at any time before the day on which the person's attendance is required; or

(b)

Jury.

- (b) by the presiding judge of that court or the coroner holding that inquest or by any judge presiding at a court in which trials to which that jury pool relates are held, as the case may be, at any time on or after that day, notwithstanding that the sheriff did not excuse the person for that cause.

(2) A person does not have good cause to be excused under subsection (1) on the ground that he is entitled as of right to be exempted from serving as a juror if he was entitled, but without reasonable excuse failed, to claim exemption pursuant to section 13.

(3) A person may be excused under subsection (1) for the whole or any part of the time that the person's attendance is required.

(4) The sheriff may require a person to verify a request to be excused under subsection (1) (a) by statutory declaration.

(5) A judge or coroner may require a person to make any request to be excused under subsection (1) (b) on oath.

(6) Where a person is excused under subsection (1) (b)—

- (a) the panel, in the case of a person returned in pursuance of a general jury precept; or
- (b) the list referred to in section 32 (1), in the case of a person attending at a jury pool,

and the card relating to that person shall be marked accordingly and the card kept apart from the cards relating to other persons on that panel or list, as the case may be.

Jury.

Person may be excused from being selected for jury service because of previous lengthy service.

39. (1) At the conclusion of any trial or coronial inquest, the judge who presided at the trial or the coroner who held the inquest may, if he is of the opinion that any of the jurors attended the trial or inquest for a lengthy period, direct that those jurors shall be entitled to be exempted as of right from serving as jurors for a specified period then ensuing.

(2) A judge or coroner shall cause the sheriff to be notified of any direction given by him under subsection (1).

(3) The sheriff shall—

- (a) make a notation of any direction under subsection (1) on the appropriate jury roll; and
- (b) notify, in writing, the jurors to whom the direction relates.

Inspection of panel, etc.

40. (1) Except as provided in subsection (2) or for the purpose of executing this Act, the panel annexed to a general jury precept or to a jury pool precept or a list referred to in section 32 (1), and the cards furnished in relation thereto, shall not be inspected by, or made available to, any person prior to or during the trial or coronial inquest unless the court or coroner, as the case may be, otherwise orders.

(2) A party to any civil proceedings or his barrister or solicitor may, upon payment of such fee as may be prescribed by regulations made under the Supreme Court Act, 1970, or the District Court Act, 1973, as the case may require, inspect, or obtain a copy of, the panel annexed to a general jury precept or to a jury pool precept for the trial of those proceedings.

PART

Jury.

PART VI.

CHALLENGE.

41. Subject to this and any other Act, the law relating to the right of challenge to the array and to the polls of jurors in force immediately before the day appointed and notified under section 2 (2) shall continue in force. Right of challenge.

42. In any criminal proceedings each person prosecuted shall be allowed— Peremptory challenges in criminal proceedings.

(a) in the case of an offence that is capital or murder—
20 peremptory challenges; or

(b) in any other case—8 peremptory challenges.

43. (1) In any criminal proceedings, and in any civil proceedings in which the Crown is a party, the Crown shall have the same right of challenge as any person being prosecuted or any other party to the proceedings, as the case may be. Crown to have same right of challenge, etc.

(2) A juror on a panel returned for the trial of any criminal proceedings shall not, at the request of those prosecuting for the Crown, be ordered to stand by until all the jurors on the panel have been called.

44. The barrister or solicitor representing a person being prosecuted in any criminal proceedings may make any challenge for cause or any peremptory challenge on behalf of that person. Barrister or solicitor may make challenge on behalf of accused.

45. (1) A challenge for cause or a peremptory challenge to a juror in criminal proceedings shall be made after the juror has been called to the book to be sworn and before he is sworn. Time for making challenge to juror.

Jury.

(2) A challenge for cause to a juror in civil proceedings shall be made after the juror's name has been drawn from the ballot box and before a list of the names so drawn is delivered to the plaintiff or his barrister or solicitor.

Trial of
challenge
for cause.

46. A challenge for cause shall be tried by the presiding judge at the trial.

Certain
errors,
etc., not
to be
cause for
challenge.

47. No omission, error or irregularity in the time or mode of service of any summons or in the summoning or return of any juror by a wrong name (where there is no question as to his identity) shall be cause of challenge either to the array or to that juror.

PART VII.

SELECTION OF JURY.

Balloting
for jury
in criminal
proceedings.

48. (1) The jury for the trial of any criminal proceedings in the Supreme Court or the District Court shall be selected by ballot in open court in accordance with this section.

(2) At the trial the presiding judge or an officer of the court shall—

- (a) place in a box provided for that purpose the cards furnished under section 28 (2) or 34 (3) in respect of that trial;
- (b) draw out of that box those cards, one after another, and call out the names thereon, until 12 persons appear; and
- (c) call each of those 12 persons to be sworn.

(3)

Jury.

(3) If any challenge is made and allowed in respect of any number of those 12 persons, that number of persons shall be so drawn and called to be sworn.

(4) Such further number of persons as is required shall be so drawn and called to be sworn until all just challenges have been allowed and 12 persons have been sworn.

(5) The 12 persons referred to in subsection (4) shall constitute the jury for the trial.

49. (1) The jury for the trial of any civil proceedings in the Supreme Court or the District Court shall be selected in open court in accordance with this section. Selection of jury in civil proceedings.

(2) At the trial the presiding judge or an officer of the court shall—

- (a) place in a box provided for that purpose the cards furnished under section 28 (2) or 34 (3) in respect of that trial; and
- (b) draw out of that box those cards, one after another, and call out the names thereon, until all just challenges for cause have been allowed and a sufficient number of persons appear for the purposes of subsection (3).

(3) A list of the names appearing on the cards drawn out of the box under subsection (2) (b) shall be prepared in the order in which they were drawn and delivered to the plaintiff or his barrister or solicitor by whom a number of those names equal to one-half of the number of persons required to constitute the jury may be struck therefrom and the list so reduced shall then be delivered to each other party who has pleaded separately or his barrister or solicitor by each of whom a number of names equal to one-half of the number of persons required to constitute the jury may also be struck therefrom.

(4)

Jury.

(4) The persons whose names then remain on the list or, where—

- (a) a party or his barrister or solicitor does not strike the number of names referred to in subsection (3) from the list; or
- (b) a party does not appear in person or by his barrister or solicitor,

the first 4 or 12 persons, as the case may require, whose names appear on the list shall, after being duly sworn, constitute the jury for the trial.

Balloting for jury at coronial inquest.

50. (1) The jury for any coronial inquest shall be selected by ballot in accordance with this section.

(2) At the inquest the coroner or a person appointed by him for that purpose shall—

- (a) place in a box provided for that purpose the cards furnished under section 28 (2) in respect of that inquest; and
- (b) draw out of that box those cards, one after another, and call out the names thereon, until 6 persons appear.

(3) The 6 persons referred to in subsection (2) (b) shall, after being duly sworn, constitute the jury for the coronial inquest.

Procedure where insufficient jurors to complete ballot.

51. (1) If there are an insufficient number of jurors summoned pursuant to a general jury precept in attendance at a court or coronial inquest for the purposes of a ballot under section 48, 49 or 50—

- (a) the trial or inquest may be adjourned and a further general jury precept issued in respect of the trial or inquest; or

(b)

Jury.

- (b) the further number of jurors required to complete the ballot may be required by the sheriff to attend at the court or inquest forthwith for that purpose but only where those persons have been summoned to attend at another court or inquest in the same jury district and are not required at that other court or inquest.

(2) Balloting for a trial or inquest referred to in subsection (1) (b) may proceed after the cards relating to the further number of jurors required to complete the ballot are placed in the ballot box and the names of those jurors added to the panel.

52. (1) The cards relating to the jurors who constituted the jury for the trial of any criminal or civil proceedings shall be kept apart from the cards relating to the other persons summoned for that trial until the conclusion of the trial. Cards of jury members to be kept apart, etc.

(2) After all the jurors for a trial are sworn—

- (a) the cards relating to persons who were summoned pursuant to a general jury precept and who were called but not sworn for the trial shall be returned to the box from which they were drawn; and
- (b) the cards relating to persons who are then required to attend at a jury pool and who were not sworn for the trial shall be returned to the box referred to in section 32 (2) from which they were drawn.

(3) At the conclusion of a trial, the cards relating to the jurors who constituted the jury for the trial shall—

- (a) in the case of cards required for the purposes of a further ballot under section 53, be returned to the box from which they were drawn; or
- (b) in the case of cards relating to jurors who are then required to attend at a jury pool, be returned to the box referred to in section 32 (2) from which they were drawn.

53.

Jury.

Jurors
liable to be
selected on
more than
one ballot.

53. Where the persons who were summoned pursuant to a general jury precept have not, at the conclusion of a trial, been discharged from attending at the court in pursuance of the summons, juries for subsequent trials in that court may be selected from among those persons in accordance with section 48 or 49, as the case may require.

PART VIII.

PROCEEDINGS UPON TRIAL OR INQUEST.

Jury
permitted
to separate
in criminal
trials.

54. Upon the trial of any criminal proceedings the jury shall, unless the court otherwise orders, be permitted to separate at any time before they retire to consider their verdict.

Court or
coroner
may permit
refreshment
for jurors.

55. The court on any trial or a coroner holding any coronial inquest may permit the members of the jury to be supplied with such refreshments as it or he thinks fit at any time after they have been sworn and notwithstanding that they have retired to consider their verdict.

Discharge
of jury
that
disagree
in criminal
proceedings.

56. Where the jury in criminal proceedings have retired for more than 6 hours, the court in which the proceedings are being tried may discharge them if it finds, after examination on oath of one or more of them, that they are not likely to agree on their verdict.

Majority
verdicts
in civil
proceedings.

57. Where the jury in civil proceedings have retired for more than 4 hours and they are unable to agree on their verdict—

(a) in the case of a jury consisting of 4 persons, the decision of 3 jurors; or

(b) in the case of a jury consisting of 12 persons or, pursuant to section 22 (b), 10 or 11 persons, the decision of 9 jurors,

shall be taken as the verdict of all.

58.

Jury.

58. (1) Where the jury in civil proceedings have retired for more than 4 hours, the court in which the proceedings are being tried may discharge them if it finds, after examination on oath of one or more of them, that they are not likely to agree on either a unanimous verdict or a verdict under section 57. Discharge of jury that disagree in civil proceedings.

(2) Where the jury in civil proceedings have retired for more than 6 hours the court in which the proceedings are being tried shall discharge them if they have not agreed on either a unanimous verdict or a verdict under section 57.

(3) Where a jury is discharged under subsection (1) or (2), the proceedings may, without any new process for that purpose, be set down for trial either at the same or any subsequent sittings, as the court may order.

59. Where the jury in any coronial inquest have retired for more than 6 hours, the coroner holding that inquest may discharge them if he finds, after examination on oath of one or more of them, that they are not likely to agree. Discharge of jury that disagree in coronial inquest.

PART IX.

OFFENCES.

60. A reference in this Part to a person who fails to attend for jury service is a reference to a person who— Interpretation: Part IX.

(a) is duly summoned to attend at a court, coronial inquest or jury pool;

(b)

Jury.

- (b) fails to attend on the first or on any subsequent day on which his attendance is required; and
- (c) is not duly excused from that attendance.

Failure to inform sheriff of disqualification or ineligibility.

61. A person—

- (a) notified pursuant to section 13 of his inclusion on a draft jury roll shall, within the time specified in the notice; or
- (b) summoned to attend at a court, coronial inquest or jury pool shall, before the day his attendance is required,

inform the sheriff, if to his knowledge he is disqualified from serving as a juror or ineligible to serve as a juror, of that fact and the reasons therefor.

Penalty : \$500.

False representations to evade jury service.

62. A person shall not—

- (a) make, or cause or permit to be made on his behalf, any false representation to the sheriff for the purpose of evading jury service; or
- (b) make, or cause or permit to be made on behalf of another person, any false representation to the sheriff for the purpose of enabling that other person to evade jury service.

Penalty : \$500.

Failure to attend for jury service.

63. Subject to sections 64, 65 and 66, a person who fails to attend for jury service contravenes this section and is liable to a penalty not exceeding \$100.

64.

Jury.

- 64.** (1) Where a person fails to attend for jury service, a record of that fact shall be made—
- Penalty
notice
procedure
for failure
to attend
for jury
service.
- (a) in the case of a person summoned pursuant to a general jury precept, on the panel annexed to the precept; or
 - (b) in the case of a person summoned pursuant to a jury pool precept, on the list referred to in section 32 (1),

by order of the presiding judge at the trial or of the coroner holding the coronial inquest or, in respect of a person required to attend at a jury pool, by order of any judge presiding at a trial to which the pool relates.

(2) The sheriff shall serve, on a person who is recorded under subsection (1) as having failed to attend for jury service, a notice to the effect that, if the person does not desire to have the matter referred to a court, the person—

- (a) pay to an officer specified in the notice at a place and within a time specified in the notice an amount of penalty (not exceeding \$100) prescribed for that failure if dealt with under this section; or
- (b) show cause to the sheriff within the time specified in the notice why a penalty should not be imposed for that failure.

(3) The sheriff may require a person who shows cause under subsection (2) (b) to verify his statements by statutory declaration.

(4) If the sheriff determines that a person has not shown reasonable cause under subsection (2) (b) for his failure to attend for jury service, the sheriff shall inform that person accordingly and specify a further period of time within which the person may pay the prescribed amount of penalty referred to in subsection (2) (a).

(5)

Jury.

(5) A person served with a notice under subsection (2)—

- (a) has the right to decline to be dealt with under this section; and
- (b) shall be deemed to have declined to be so dealt with if he does not show reasonable cause under subsection (2) (b) for his failure to attend for jury service within the time specified in the notice and if he fails to pay the prescribed amount of penalty within the time specified in the notice or within such further time as may, under subsection (4) or in any particular case, be allowed by the sheriff.

(6) Where the prescribed amount of penalty is paid pursuant to subsection (2) (a), no person shall be liable for any further proceedings for that failure to attend for jury service.

Imposition
of penalty
by judge
for failure
to attend
for jury
service at
a court or
jury pool.

65. (1) Where a person declines to be dealt with under section 64 in respect of a failure to attend for jury service at a court or jury pool, the sheriff shall—

- (a) refer the matter to a judge of that court or to a judge of any court in which trials to which the jury pool relates are held, as the case may be, at a sitting of the court or in chambers; and
- (b) notify that person of the time and place at which the matter is to be so referred.

(2) A judge to whom a matter is referred under subsection (1) may, unless he is satisfied that the person had reasonable cause for his failure to attend for jury service, summarily impose the penalty prescribed for that failure under section 63.

(3)

Jury.

(3) A penalty imposed pursuant to subsection (2) shall be paid to the sheriff within such time as the judge who imposed the penalty may specify.

(4) Where a penalty is not paid to the sheriff in accordance with subsection (3), the sheriff may forward to a clerk of petty sessions a certificate under his hand in or to the effect of the prescribed form stating the particulars of the penalty and that the penalty has not been paid.

(5) A certificate referred to in subsection (4) shall operate as an order against the person who failed to pay the penalty for the payment of money under the Courts of Petty Sessions (Civil Claims) Act, 1970, and shall be enforceable as such an order under that Act.

66. (1) Where a person declines to be dealt with under section 64 in respect of a failure to attend for jury service at a coronial inquest, proceedings for a contravention of section 63 may be taken by the sheriff against that person in a summary manner before a court of petty sessions constituted by a stipendiary magistrate sitting alone and situated in the jury district in which the inquest was held. Summary prosecution for failure to attend for jury service at coronial inquest.

(2) A certificate under the hand of the sheriff stating that a specified person is recorded as having failed to attend for jury service at a coronial inquest and has declined to be dealt with under section 64 shall, in any proceedings under subsection (1), be evidence of the matters so stated in the certificate.

(3) Section 82 of the Justices Act, 1902, shall not apply to or in respect of the conviction of any person by a court of petty sessions under subsection (1).

(4) The conviction of a person for an offence for a contravention of subsection (1) shall operate as an order against that person for the payment of money under the Courts of Petty Sessions (Civil Claims) Act, 1970, and shall be enforceable as such an order under that Act.

67.

Jury.

Embracery. **67.** Any person who corruptly influences, or attempts to corruptly influence, a juror and any juror consenting thereto contravene this section.

Penalty on indictment : Imprisonment for a period of 7 years.

Publishing, etc., identity or address of juror. **68.** A person shall not, except in accordance with this Act, publish or print any material or broadcast or televise any matter of such a nature that a person may thereby be informed, whether by implication or otherwise, of the identity or address of any juror.

Penalty : In the case of a corporation, \$1,000; in any other case, \$500.

Unlawful dismissal, etc., of employees summoned for jury service. **69.** (1) An employer shall not dismiss a person in his employment or injure him in his employment or alter his position to his prejudice by reason of the fact that the person is summoned to serve as a juror.

Penalty : In the case of a corporation, \$1,000; in any other case, \$500 or imprisonment for a period of 6 months.

(2) In proceedings for an offence under subsection (1), if all the facts constituting the offence other than the reason for the defendant's action are proved, the onus of proving that the dismissal, injury or alteration was not actuated by the reason alleged in the charge shall lie on the defendant.

(3) Where an employer is convicted by a court of an offence under subsection (1), the court may order—

(a) the employer to pay the employee a specified sum by way of reimbursement for the salary or wages lost by the employee; and

(b) that the employee be reinstated in his old or a similar position.

(4)

Jury.

(4) An order under subsection (3) (a) shall operate as an order against the employer for the payment of money under the Courts of Petty Sessions (Civil Claims) Act, 1970, and shall be enforceable as such an order under that Act.

(5) An employer shall give effect to an order of the court under subsection (3) (b).

Penalty : For each day that the order is not given effect to, \$50.

(6) The amount of salary or wages that would have been payable to an employee in respect of any period that his employer fails to give effect to an order under subsection (3) (b) shall be recoverable, as a debt due to the employee by the employer, in any court of competent jurisdiction.

70. A person who is a director or an employee of a corporation which offends against this Act is guilty of the same offence, and liable to be punished as an individual guilty of that offence, if— Directors, etc., liable where corporation commits offence.

- (a) the offence committed by the corporation was committed with the knowledge of that person;
- (b) that person was in a position to influence the conduct of the corporation in relation to the commission of the offence by it; and
- (c) that person did not use all due diligence to prevent the commission of the offence by the corporation.

71. Except to the extent that this Act otherwise provides, proceedings for offences against this Act shall be disposed of in a summary manner before a court of petty sessions constituted by a stipendiary magistrate sitting alone. Proceedings for offences.

PART

Jury.

PART X.

GENERAL.

Payment
for jury
service.

72. (1) A juror shall be entitled to be paid for his attendance at a court, coronial inquest or jury pool at the prescribed rate, whether the juror serves on a jury or not.

(2) Where civil proceedings are tried with a jury pursuant to a requisition for trial with a jury, the party who filed that requisition shall pay to the sheriff or any prescribed officer of the court on the prescribed day of the trial and on each subsequent day the amount, or if the regulations so provide any prescribed part of the amount, required to pay the fees for the jurors under subsection (1) for that day.

(3) The fees paid under subsection (2) shall be treated as costs in the proceedings, unless the court otherwise orders.

Verdict not
invalidated
in certain
cases.

73. The verdict of a jury shall not be affected or invalidated by reason only—

- (a) that any member of the jury was disqualified from serving as a juror or ineligible to serve as a juror;
- (b) of any omission, error or irregularity with respect to any jury roll, general jury precept, jury pool precept, summons, jury pool list or panel under this Act; or
- (c) that any juror was misnamed or misdescribed (where there is no question as to the juror's identity).

74.

Jury.

74. (1) The sheriff may, by instrument in writing, ^{Delegation.} delegate to a deputy sheriff, under sheriff or other person employed in his office the exercise or performance of such of the sheriff's powers, authorities, duties or functions (other than this power of delegation) as are specified in the instrument of delegation, and may, by instrument in writing, revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this section, the sheriff may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the sheriff and shall be deemed to have been done or suffered by the sheriff.

75. (1) Any summons, notice or other document ^{Service of} required or authorised by or under this Act to be sent, served ^{summons,} or given to any person by the sheriff shall be deemed to have ^{etc.} been duly sent, served or given—

(a) if delivered personally to that person, or if left at the address appearing on the jury roll in respect of that person; or

(b)

Jury.

(b) if sent by post, addressed to that person at that address.

(2) Service of a summons, notice or other document in accordance with subsection (1) (b) shall be prima facie deemed to have been effected at the time when it would be delivered in the ordinary course of post.

Regulations. 76. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) A regulation may be made so as to apply differently according to such factors as may be specified therein.

Repeal of Jury Act, 1912, and Acts amending that Act. 77. Each Act specified in Column 1 of Schedule 4 is, to the extent specified opposite that Act in Column 2 of Schedule 4, repealed.

Amendment of Mental Health Act, 1958, Coroners Act, 1960, and Supreme Court Act, 1970. 78. (1) The Mental Health Act, 1958, is amended in the manner set forth in Schedule 5.

(2) The Coroners Act, 1960, is amended in the manner set forth in Schedule 6.

(3) The Supreme Court Act, 1970, is amended in the manner set forth in Schedule 7.

Transitional and savings provisions. 79. Schedule 8 has effect.

Jury.

SCHEDULE 1.

Sec. 6 (a).

PERSONS DISQUALIFIED FROM SERVING AS JURORS.

1. A person convicted in New South Wales or elsewhere of—
 - (a) treason;
 - (b) an offence carrying a penalty of imprisonment, or penal servitude, for life; or
 - (c) any offence and sentenced to imprisonment, or penal servitude, for a term exceeding 2 years.

2. A person who at any time within the last 10 years in New South Wales or elsewhere—
 - (a) has served any part of a sentence of imprisonment or penal servitude or has been on parole in respect of any such sentence; or
 - (b) has been detained in an institution for juvenile offenders.

3. A person who at any time within the last 5 years in New South Wales or elsewhere—
 - (a) has been convicted of any offence which may be punishable by imprisonment or penal servitude;
 - (b) has been bound by recognizance to be of good behaviour or to keep the peace;
 - (c) has been the subject of a probation order made by any court; or
 - (d) has been disqualified by order of a court from holding a licence to drive a motor vehicle or omnibus for a period in excess of 6 months.

SCHEDULE 2.

Sec. 6 (b).

PERSONS INELIGIBLE TO SERVE AS JURORS.

1. Judges (including Judges of the Industrial Commission of New South Wales and The Workers' Compensation Commission of New South Wales), Masters of the Supreme Court and their spouses.

2. Members and officers of the Executive Council, Legislative Council and Legislative Assembly and their spouses.

3. Barristers and solicitors.

SCHEDULE

Jury.

SCHEDULE 2—*continued.*PERSONS INELIGIBLE TO SERVE AS JURORS—*continued.*

4. Coroners, stipendiary magistrates, special magistrates and their spouses.
 5. A person employed in the Department of Corrective Services.
 6. Members of the Police Force and their spouses.
 7. A person employed in the Department of the Attorney-General and of Justice.
 8. A person, being an officer of the Public Service, employed in the Police Department.
 9. Permanent heads within the meaning of the Public Service Act, 1902.
 10. Chairman, Deputy Chairman and Members of the New South Wales Public Service Board.
 11. A person who is unable to read or understand the English language.
 12. A person who is unable because of illness or infirmity to discharge the duties of a juror.
 13. A person employed by the Board of Fire Commissioners of New South Wales.
 14. A person employed in the State Emergency Services and Civil Defence Organisation.
 15. A person employed by the Health Commission of New South Wales in connection with ambulance services.
 16. A person exempted by the Jury Exemption Act 1965 of the Parliament of the Commonwealth.
-

SCHEDULE

Jury.

SCHEDULE 3.

Sec. 7.

PERSONS WHO MAY CLAIM EXEMPTION AS OF RIGHT.

1. Clergymen in holy orders, ministers of religion having established congregations and vowed members of any religious order.
2. Dentists registered under the Dentists Act, 1934, and actually practising.
3. Legally qualified medical practitioners, actually practising.
4. A person of or above the age of 65 years.
5. Pregnant women.
6. A person having the care, custody and control of children under the age of 18 years (other than children who have ceased to attend school) but not including more than one person having the care, custody and control of the same children.
7. A person residing with, and having the full-time care of, a person who is aged or in ill-health.
8. A person notified of his inclusion on the draft jury roll for a jury district who is on the existing jury roll for that jury district or for any other jury district.
9. A person who is entitled to be exempted under section 39 on account of previous lengthy jury service.
10. A person who resides more than the prescribed distance from the place at which he is required to serve.
11. Members and secretaries of all statutory corporations, boards and authorities.
12. Pharmacists registered under the Pharmacy Act, 1964, and actually practising.
13. Mining managers and under-managers of mines.

SCHEDULE

Jury.

Sec. 77.

SCHEDULE 4.

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1912, No. 31	Jury Act, 1912 . .	The whole Act.
1918, No. 33	Jury (Amendment) Act, 1918.	The whole Act.
1924, No. 8 . .	Jury (Amendment) Act, 1924.	The whole Act.
1924, No. 10	Crimes (Amendment) Act, 1924.	Section 34.
1929, No. 2 . .	Crimes (Amendment) Act, 1929.	Section 19.
1937, No. 35	Statute Law Revision Act, 1937.	So much of the Second Schedule as amends Act No. 31, 1912.
1947, No. 41	Jury (Amendment) Act, 1947.	The unrepealed portion except sections 1 (1) and 7.
1951, No. 42	Jury (Amendment) Act, 1951.	The whole Act.
1957, No. 13	Supreme Court Procedure Act, 1957.	Section 10, so much of First Schedule as amends Act No. 31, 1912, and so much of the Second Schedule as relates to the Jury Act, 1912.
1965, No. 12	Supreme Court and Circuit Courts (Amendment) Act, 1965.	Section 16 and so much of the Schedule as relates to the Jury Act, 1912.
1965, No. 32	Law Reform (Miscellaneous Provisions) Act, 1965.	Section 26 and so much of the Schedule as relates to the Jury Act, 1912.
1968, No. 3 . .	Administration of Justice Act, 1968.	So much of section 3 as relates to Part VII, Part VII and so much of the Schedule as relates to the Jury Act, 1912.
1970, No. 52	Supreme Court Act, 1970.	So much of the First Schedule as relates to Act No. 41, 1947, and so much of the Second Schedule as amends Act No. 31, 1912.
1972, No. 41	Supreme Court (Amendment) Act, 1972.	Paragraph (t) of the Second Schedule.
1973, No. 9 . .	District Court Act, 1973.	So much of Schedule 2 as amends Act No. 31, 1912, and Act No. 41, 1947.
1974, No. 50	Crimes and Other Acts (Amendment) Act, 1974.	Section 15.

SCHEDULE

*Jury.*SCHEDULE 4—*continued.*REPEALS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1974, No. 51	Metric Conversion Act, 1974.	Item 178 of the Schedule.
1975, No. 65	Miscellaneous Acts (Administrative Changes) Amendment Act, 1975.	Section 7.

SCHEDULE 5.

Sec. 78 (1).

AMENDMENTS TO THE MENTAL HEALTH ACT, 1958.

(1) Section 23 (1)—

Omit "lawfully empanelled for that purpose".

(2) (a) Section 26 (3)—

Omit the subsection, insert instead :—

(3) The Attorney-General may further order that the issue whether the person charged is fit to plead if placed upon his trial be tried by a jury.

(b) Section 26 (4)—

Omit "a chairman of Quarter Sessions", insert instead "a judge exercising the criminal and special jurisdiction of the District Court".

SCHEDULE

Jury.

SCHEDULE 5—*continued.*AMENDMENTS TO THE MENTAL HEALTH ACT, 1958—
continued.

(c) Section 26 (6)—

Omit the subsection.

(d) Section 26 (7)—

Omit “A jury of twelve persons shall be empanelled from the jurors in attendance at the court and the”, insert instead “The”.

(e) Section 26 (7)—

Omit “empanelled” where secondly occurring, insert instead “selected”.

(3) Section 43—

Omit “; and thereupon the like proceedings for procuring the return of such a jury shall be had and taken as provided by any law for the time being in force for the return of juries in the Supreme Court, and in every proceeding before a jury pursuant to this section the number of the jury shall be four, unless the Court order a jury of twelve”.

Sec. 78 (2).

SCHEDULE 6.

AMENDMENTS TO THE CORONERS ACT, 1960.

(1) Section 14—

Omit “of six persons”.

SCHEDULE

Jury.

SCHEDULE 6—*continued.*

AMENDMENTS TO THE CORONERS ACT, 1960—*continued.*

(2) Section 14A—

After section 14, insert :—

14A. An inquest or inquiry which would, but for this section, be held before a coroner and a jury at any place that is not a place in respect of which a jury district is constituted under the Jury Act, 1977, shall be held at the nearest such place. Place at which inquest or inquiry before jury to be held.

(3) Section 36 (1) (g), (h)—

Omit the paragraphs, insert instead :—

(g) Any person having a personal interest in, or employed in, or in the management of, the mine in which the explosion or accident occurred shall, if summoned to serve on the jury at the inquest, notify the sheriff of that fact and shall not be qualified or liable to serve on that jury.

(4) Section 43—

Omit the section.

(5) Section 45 (1) (b), (c)—

Omit the paragraphs.

Jury.

Sec. 78 (3).

SCHEDULE 7.

AMENDMENTS TO THE SUPREME COURT ACT, 1970.

(1) Section 85 (3), (4)—

After section 85 (2), insert :—

(3) Where the Court makes an order under subsection (1) or section 87 (1), or where proceedings under section 88 are set down for trial, the plaintiff shall pay the fee prescribed for the purpose of section 86 (1) and shall not be entitled to take any further step in the proceedings until the fee is paid.

(4) The fee paid under this section or section 86 (1) shall be treated as costs in the proceedings, unless the Court otherwise orders.

(2) Section 86 (1)—

After “jury” where firstly occurring, insert “and pays the fee prescribed by the regulations made under section 130”.

Sec. 79.

SCHEDULE 8.

TRANSITIONAL AND SAVINGS PROVISIONS.

Interpre-
tation.

1. In this Schedule—

“commencement of this Act” means the day appointed and notified under section 2 (2);

“former Act” means the Jury Act, 1912, as in force immediately before the commencement of this Act.

SCHEDULE

Jury.

SCHEDULE 8—*continued.*

TRANSITIONAL AND SAVINGS PROVISIONS—*continued.*

2. (1) Notwithstanding anything contained in this Act and subject to subclause (2), Parts II and VIII of the former Act and sections 26 and 43 of the Mental Health Act, 1958, as in force immediately before the commencement of this Act shall continue in force for or with respect to the return of a jury for any trial in a jury district until such day as may be appointed by the Governor in respect of that jury district and as may be notified by proclamation published in the Gazette. Former Act to continue for return of jury in each district until appointed day.

(2) The jurors' book in force immediately before the commencement of this Act for any jury district shall, for the purposes of subclause (1), be deemed to be the jurors' book for that district.

3. Clause 2 does not affect, during the period after the commencement of this Act and before the day appointed and notified under that clause in respect of any jury district, the provisions of this Act relating to— Act in force for certain purposes.

- (a) the preparation of a jury roll for that jury district; and
- (b) the issue of general jury precepts and the summoning and return of jurors in pursuance of those precepts for trials commencing in that jury district after the day appointed and notified in respect of that jury district.

4. (1) The day appointed and notified under clause 2 in respect of any jury district shall not be earlier than the day on which the sheriff certifies a jury roll for that district prepared in accordance with this Act. Day appointed for jury district.

(2) The Governor may for the purposes of clause 2 appoint different days in respect of different jury districts.

5. (1) Section 14A of the Coroners Act, 1960, as inserted by this Act, shall not apply if a day has not been appointed and notified under clause 2 in respect of the jury district at which the coronial inquest would, under that section, be required to be held. Juries at coronial inquests.

(2) The provisions of the Coroners Act, 1960, relating to the qualifications and liability to serve as a juror at, or relating to the return of a jury for, any coronial inquest shall continue in force until the day appointed and notified under clause 2 in respect of the jury district at which the inquest is held.

Jury.

SCHEDULE 8—*continued.*

TRANSITIONAL AND SAVINGS PROVISIONS—*continued.*

Trials in progress at commencement of Act.

6. Nothing in this Act affects any trial in progress at the commencement of this Act.

Old rules, etc., continue to apply.

7. Except as provided in this or in any other Act, a jury in criminal or civil proceedings or in a coronial inquest shall be subject to the same rules and manner of proceeding as were observed before the commencement of this Act.
