

Subsidiary Legislation made under s.38.

Jury Rules

1960.08.09

	<i>Commencement</i>	1.9.1960
Amending enactments	Relevant current provisions	Commencement date
LN. 1977/070	–	
1980/054	rr. 9, 12, Sch.2	
1982/095	rr. 3-4, Sch.1	
1989/002	r. 18	12.1.1989
1994/072	rr. 11-12, 18(4)	21.7.1994

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ARRANGEMENT OF RULES

Rule

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SCHEDULE 1.
Form of Jury List.

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Form of Summons.

Title.

1. These rules may be cited as the Jury Rules.

Preparation of jury list.

2. The Registrar shall in each alternate year prepare and make out a true list of the persons he proposes to include in the jury list as being persons qualified and liable to serve as jurors under the provisions of the Ordinance.

Form of jury list.

3. The list shall be in alphabetical order setting out the name in full and place of abode of every such person in the proper columns of the form of return set forth in Schedule 1:

Provided that the Registrar shall omit from the list the name of any person who to his knowledge is or has become disqualified from serving as a juror by reason of any of the causes mentioned in section 21 of the Ordinance.

Registrar to have access to books, etc.

4. For the purpose of preparing the list described in rule 2 the Registrar shall be entitled to examine and make extracts from all books, documents and records in which the qualifications of persons resident within Gibraltar may be described, and all persons having the charge or custody of such books shall at all proper times render him such reasonable assistance as he may require with respect to such inquiry.

Revision of list.

5. The list, after compliance with section 22(1) of the Ordinance, shall be sent to the justices who shall revise the list in the manner prescribed by the Act.

Delivery of list to Registrar.

6. When the list has been so revised, the justices shall forthwith sign it and deliver the same to the Registrar.

Registrar to keep lists and compile Jurors' Book.

7. The Registrar shall keep the list in alphabetical order and arranged in groups, one group for each letter of the alphabet, and shall cause the same to be fairly and truly copied in the same order into a book to be by him provided for the purpose, which book shall be called "the Jurors'

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Book”, and every such book shall be brought into use on the first day of October next after the list has been allowed, and shall be used for two years then next following.

Selection of jurors.

8. Before the day appointed as hereinafter prescribed for serving the summonses the Marshal shall select so many persons whose names are in the Jurors' Book as are required by the precept, taking one from the top of each group of the letters of the alphabet in succession and on reaching the last group, commencing again with the first group, and so proceeding from time to time, commencing each time where he has left off, until every person shall have been summoned in his turn, and with the new list in every second year he shall begin with the names on such list next following in alphabetical order the names of the persons who were last summoned in the preceding list, or as near thereto as circumstances will permit, and the persons so selected shall be the jurors to serve for the trial of all issues, criminal as well as civil.

Form of Summons.

9. The summons to be served on jurors shall be in the form contained in Schedule 2.

Attendance.

10. It shall be lawful for the Marshal, with the consent of the Chief Justice, to give directions as to the attendance of jurors during the time for which they shall be summoned, and in particular as to the days on which and the time during which they are to attend. Such directions may be sent to any juror, together with the summons requiring him or her to attend on a jury, and when so sent shall be deemed to be part of such summons.

Choosing a jury.

11. Before the day appointed for the sitting of the court the Marshal shall cause the names of those who have been summoned to be fairly and truly copied in a panel in alphabetical order from the Jurors' Book, and shall number the names in arithmetical series from the first to the last, and shall deliver such panel two clear days at least before the sitting of the court to the proper officer of the court, who shall write corresponding numbers on separate wooden discs, being as nearly as may be of equal shape and size, which he shall put all together in a box to be provided for the purpose, and when any issue is to be tried, the Registrar or Clerk of Arraignment shall in open court draw out such discs one after another to the number of nine (except on a charge of murder or a capital charge, when the number shall be twelve) referring to the corresponding names on the panel for the name of the juror, and if any of the persons whose names shall be so drawn shall not appear, or shall be challenged and set aside, then such further number until nine persons (or, on a charge of murder or a capital charge, twelve persons) be drawn who shall appear, and after all just causes of challenge allowed shall remain as fair and indifferent, and the said nine persons (or twelve persons, as the case may be) so first drawn

and appearing, and proved as indifferent, their names being marked in the panel and they being sworn, shall be the jury to try the issue, and the numbers of the persons so drawn and sworn shall be kept apart by themselves until the jury shall have delivered their verdict, and shall have been recorded, or until such jury has been otherwise discharged, and shall then be returned to the box and mixed with the other numbers then remaining undrawn and as long as any issue remains to be tried:

Provided always that if any issue shall be brought on to be tried before the jury in any former issue shall have brought in their verdict or been discharged, the proper officer shall draw a sufficient number of the residue of the discs in manner aforesaid for the trial of the issue which shall be so brought on to be tried; and

Provided that where the court has ordered that an additional juror or additional jurors shall be chosen, references in this rule to nine or twelve jurors, as the case may be, shall be deemed to be references to such larger number as shall include the number of additional jurors ordered by the court to be chosen.

View, how conducted.

12. When a view shall be considered necessary by the court, the jury sworn to try the case (which shall include any additional jurors chosen under the provisions of section 145 of the Criminal Procedure Act) shall make the view under the charge of the proper officer or other person to be appointed and, if necessary, the trial may be postponed to any other day, and in the meantime other cases may be disposed of.

13-17. Omitted.

Remuneration for Jury service.

18.(1) Where in consequence of his attendance a juror satisfies the Registrar at the termination of any trial that he has incurred any loss of earning he shall be entitled to compensation equal to the amount of that loss.

(2) Where a juror is unable to satisfy the Registrar at the termination of any trial of the actual amount of the loss of earnings which he has incurred then, subject to paragraph (3) of these Rules, he shall be entitled in respect of any one day to the following amount-

- (a) where the period of time which the loss is incurred does not exceed four hours, the sum of £10.00; or
- (b) where the period of time exceeds four hours the sum of £20.00.

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(3) Where, in obedience to a summons to serve on a jury, the juror has served on more than 15 days, and the Court so directs, the amount payable in respect of any one day after the fifteenth day may exceed £20.00 but shall not exceed £30.00.

(4) For the avoidance of doubt, in this rule “juror” includes additional juror.

Assessment of remuneration.

19. Service shall include the period or periods in any day or days during which the jury is empanelled and shall be reckoned from the time it is sworn until it is finally discharged. The time during which a jury is allowed to disperse shall be disregarded but the period during the lunch adjournment shall be counted as service.

Exemption from service.

20. If any person who has been summoned by the Marshal to attend on a jury shows in writing to the satisfaction of the Registrar that there is good reason why he should be excused from attending on that jury, it shall be lawful for the Registrar to excuse the person so attending:

Provided that—

- (a) nothing in this rule shall affect the power of a court or judge to excuse any person from attending on a jury ; and
- (b) the Registrar shall produce to the court or judge all applications received by him from persons asking to be excused from attendance on any jury summoned for the trial of cases before that court or judge and any correspondence, relating to any such applications, and shall, where he has granted any such application, state to the court or judge his reasons for so doing.

SCHEDULE 1.

Rule 3.

FORM OF JURY LIST.

Jury List for the Year ending 20 .

Name in full	Place of abode	Remarks

Published this day of , 20

Registrar of the Supreme Court.

NOTE—No person whose name shall be in the Jurors' Book as a juror shall be entitled to be excused from attending on the ground of any disqualification or exemption, other than illness, not claimed by him at or before the revision of the list.

All objections to the foregoing list will be heard and determined at the sitting of the justices to be held for that purpose at the on the day of , 20 .

Registrar of the Supreme Court.

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SCHEDULE 2.

Rule 9.

FORM OF SUMMONS.

(Royal Coat of Arms)

Jury Summons

IN THE NAME OF
THE CHIEF JUSTICE

THE SUPREME COURT OF GIBRALTAR

Number of Summons

You are hereby summoned and required to attend at _____ on the day of
20

at _____ o'clock in the forenoon to serve as a juror and to remain in attendance at the
court from day to day until you are discharged.

Take notice that you will be liable to serve on any jury in the Supreme Court.

Any correspondence relating to this summons should quote the number of the summons and
be addressed to :

The Registrar,
Supreme Court,
Gibraltar.
(Telephone 78808).

Dated this _____ day of _____, 20

Number of Summons

PLEASE COMPLETE THIS SLIP IMMEDIATELY, detach it from the summons and return
it in the enclosed envelope.

The telephone number at which I can be contacted between 9.00 a.m. and 5.00 p.m., is
.....

SURNAME..... FORENAMES

Address

Occupation

Important PLEASE READ THE WARNING NOTICE OVERLEAF

Form SCJI - Jury Summons

[Reverse]
WARNING

Sections 154 and 155 of the Criminal Procedure Ordinance provide that a person duly summoned who fails to attend in pursuance of the summons, or refuses to serve, or absents himself without leave, is liable to be fined.