

ABILL

ENTITLED

AN ACT to Amend the Jury Act.

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BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Jury (Amendment) Act, 2016, and shall be read and construed as one with the Jury Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Short title
and
construction.

2. Section 33 of the principal Act is amended—

Amendment
of section 33
of principal
Act.

(a) in subsection (2), by deleting the word “Every” and substituting therefor the words “Subject to subsection (2A), every”;

(b) by inserting next after subsection (2) the following as subsection (2A)—

“ (2A) In respect of offences tried jointly, the peremptory challenges allowed for the purposes of subsection (2) shall be four.”

Amendment
of section 44
of principal
Act.

3. Section 44 of the principal Act is amended in subsections (1A) and (2) by deleting the words “nine to three” wherever they appear and substituting therefor, in each case, the words “five to two”.

MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken to amend the Jury Act. The Jury (Amendment) Act, 2015, which came into effect on February 1, 2016, made several changes to the jury system including, *inter alia*, changes to address the problem of inadequacy of jurors to serve in the Circuit Courts, reducing the number of jurors required in criminal trials and reducing the number required for peremptory challenges.

It has become necessary to further amend the Jury Act to provide for —

- (a) a verdict of not less than five jurors for non-capital murder, thereby correcting the anomaly that only unanimous verdicts would be acceptable in trials for non-capital murder; and
- (b) that where offences are being joined which arise out of the same facts but which are subject to differing sentencing regimes, the peremptory challenges allowed shall be four.

This Bill seeks to give effect to that decision.

DELROY CHUCK
Minister of Justice.

A BILL

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As introduced by the Honourable Minister of Justice.

PRINTED BY JAMAICA PRINTING SERVICES (1992) LTD.
(GOVERNMENT PRINTERS), DUKE STREET, KINGSTON, JAMAICA

SECTION 33 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

33.—(1)

(2) Every person arraigned before the Circuit Court for an offence, other than an offence referred to in section 31(1), shall be allowed to challenge—

- (a) four and no more of the jurors, where the arraignment is for the offence of murder (other than murder referred to in section 31 (1)(b)) or for any other offence that attracts a minimum penalty of a term of imprisonment of not less than fifteen years; and
- (b) two and no more of the juror, where the arraignment is for any other offence,

by way of preemptory challenge and without being subject to assign any cause therefor.

SECTION 44 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

44.—(1)

(1A) On trials on indictment for murder not falling within subsection (1)(a), after the lapse of two hours from the retirement of the jury a verdict of a majority of not less than nine to three, of conviction or acquittal of any person for such murder, may be received by the Court as the verdict of the jury.

(2) On a trial on indictment for murder, after the lapse of one hour from the retirement of the jury a verdict of a majority of not less than nine to three of conviction of manslaughter, or of acquittal of manslaughter, may be received by the Court as the verdict of the jury.

