

2025-07-31

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This Bill would revise the law relating to juries and provide for related matters.

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BARBADOS

A Bill entitled

An Act to revise the law relating to juries and to provide for related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Juries Act, 2025*.

Interpretation

2. In this Act,

“advantage” has the meaning assigned to it by section 2 of the *Prevention of Corruption Act, 2021* (Act 2021-24);

“Chief Registering Officer” means the Chief Registering Officer appointed under section 2 of the *Representation of the People Act, Cap. 12*;

“Commonwealth citizen” means a person who has the status of Commonwealth citizen under section 8 of the *Constitution*;

“consular officer” has the meaning assigned to it by section 2 of the *Consular Conventions Act, Cap. 17*;

“consular employee” has the meaning assigned to it by section 2 of the *Consular Conventions Act, Cap. 17*;

“Jurors List” means the list of qualified jurors compiled in accordance with section 8;

“jury revision year” means the year of commencement of this Act and every alternate year thereafter;

“qualifying date” means the 1st day of January of a jury revision year;

“Registrar” means the Registrar of the Supreme Court;

“registering officer” means a registering officer appointed under section 12 of the *Representation of the People Act, Cap. 12*;

“session” means a period during which the High Court is sitting in the exercise of its criminal jurisdiction;

“sitting” means a period during which the High Court is sitting in the exercise of its civil jurisdiction.

PART II

JURY SERVICE

Qualification

3. A person shall be qualified to serve on a jury who on the qualifying date is

- (a) 18 years of age or older but not more than 70 years of age;
- (b) a citizen of Barbados who is ordinarily resident in Barbados or, if he is not a citizen of Barbados, a Commonwealth citizen who has been ordinarily resident in Barbados continuously for a period of 7 years immediately before the qualifying date; and
- (c) able to read, write, speak and understand the English language.

Disqualification

4. No person shall be qualified to serve on a jury who

- (a) has been convicted of a summary offence in respect of which a sentence of imprisonment was imposed or an indictable offence;
- (b) is illiterate;
- (c) is mentally incapacitated;
- (d) is deaf or blind;
- (e) is declared bankrupt in Barbados and has not been discharged; or

- (f) has entered into a deed of arrangement with his creditors.

Exemptions

5. The following persons shall be exempt from serving on a jury:
- (a) members of the Privy Council;
 - (b) members and officers of the Senate and House of Assembly;
 - (c) Judges;
 - (d) magistrates;
 - (e) heads of mission within the meaning of section 2 of the *Diplomatic Immunities and Privileges Act*, Cap. 18;
 - (f) members of mission as defined by section 4(2) of the *Diplomatic Immunities and Privileges Act*, Cap. 18;
 - (g) Consular officers and consular employees of a state to which this section applies by virtue of an order made by the President under section 9 of the *Consular Conventions Act*, Cap. 17;
 - (h) members of the armed forces of Barbados;
 - (i) members of the Barbados Police Service;
 - (j) attorneys-at-law;
 - (k) officers of a court of law;
 - (l) medical practitioners within the meaning of section 2 of the ***Medical Profession Act, 2011 (Act 2011-1)***; and
 - (m) spouses of persons referred to in paragraphs (a) to (l).

Verdict not open to challenge due to disqualification or exemption

6. The verdict or finding of a jury shall not be challenged or set aside on the ground that a juror was disqualified under section 4 or exempt under section 5.

PART III

COMPILATION OF JURORS LIST

Qualified jurors

7.(1) Upon the commencement of this Act and in every alternate year thereafter, the Chief Registering Officer shall cause each registering officer to make a list of all persons in the respective constituency who are qualified to serve as jurors.

(2) A list referred to in subsection (1) shall show in respect of each person who is qualified to serve as a juror the name, address, sex and occupation of the person.

(3) Each list shall be

- (a) printed in alphabetical order;
- (b) signed by the registering officer who prepared the list; and
- (c) sent to the Chief Registering Officer not later than the 15th day of February of the year in which it was prepared.

Compilation of Jurors List

8.(1) The Chief Registering Officer shall cause a random selection of qualified jurors to be made from each list referred to in section 7; and the selection shall form the Jurors List.

(2) The Chief Registering Officer shall consult with the Registrar to determine the number of prospective jurors which is required to form the Jurors List.

Confidentiality

9.(1) The information contained in the Jurors List shall be kept confidential.

(2) A person who discloses any information contained in the Jurors List to a person who is not authorised to receive it commits an offence and is liable on

summary conviction to a fine of \$20 000 or to imprisonment for 2 years or to both.

Selection from the Jurors list

10.(1) For the trial of any matter or list of matters before the High Court, whether civil or criminal, the Registrar shall summon from among the names appearing on the Jurors List, a number of jurors which, in the opinion of the Registrar, is necessary for the business of the High Court.

(2) The Registrar shall make a return to the Chief Justice of the names of the persons summoned as jurors under subsection (1), who shall be the jurors to serve for the sitting or session of the court, as the case may be.

(3) A return to be made by the Registrar under subsection (2) shall be made at least

(a) 4 days before the date fixed for a sitting; and

(b) 7 days before the date fixed for a session.

(4) Where more than one court is being held during a sitting or session, the Registrar shall, before the commencement of the sitting or session, divide the panel of jurors returned by him in accordance with subsection (2) as nearly as possible into equal parts so as to provide a separate panel for each court.

Rotation of Jury Service

11.(1) The Registrar shall not place a juror a second time on a panel to be used in any court until all the jurors on the Jurors List have been placed once on a panel, and shall, in making up panels, summon jurors in due rotation.

(2) A juror who was previously excused from serving on a panel may be placed on the panel for a succeeding sitting or session of the court.

(3) This section shall apply separately and independently to civil trials and criminal trials so that every juror shall be capable of serving at such trials and

shall not be barred from serving at one by reason of having been required to serve at another.

PART IV

SUMMONING OF JURORS

Service of summons

12.(1) A person who is required to serve as a juror shall be served with a summons.

(2) A summons referred to in subsection (1) may be served

- (a) personally on the person;
- (b) by leaving the summons at the last known address of the person, with an adult residing there;
- (c) by leaving the summons at the place of employment of the person, with a person employed there; or
- (d) by registered mail.

(3) A summons sent or delivered to a person shall be accompanied by a notice

- (a) stating that failure to appear, without reasonable excuse, may result in a penalty being imposed under section 13; and
- (b) that the person may make representation to the Registrar to withdraw the summon if for any reason the person is not qualified for, or exempt from, jury service.

Failure to appear

13. A person who is summoned to attend court as juror who, without reasonable excuse, fails to appear shall, at the direction of the Judge, pay a penalty of \$1 000.

Power to excuse jurors summoned

14.(1) A Judge may, in open court or in chambers, exempt or discharge from service during the whole or any part of a session a juror who has been summoned for that session if in the opinion of the Judge there remains an adequate number of jurors available for the business of the court.

(2) A Judge may, in open court or in chambers, exempt from further service for a period not exceeding 4 years jurors who have been engaged in a prolonged or difficult trial.

Power to summon additional jurors

15. Where at any time during the course of a session it appears to the Chief Justice that an additional number of jurors should be summoned, the Chief Justice may direct the Registrar to summon additional jurors to serve at the session.

Remuneration of jurors

16.(1) The Minister shall by order set the remuneration to be paid to a juror.

(2) An order made under subsection (1) shall be subject to negative resolution.

(3) No juror shall be entitled to any remuneration or allowance for attendance on any day in respect of which that juror was notified, not later than the previous day, that attendance was not required by

- (a) an announcement made in open court by the Judge or Registrar; or
- (b) written notice being served.

PART V

SELECTION OF JURIES

Array

17.(1) In trials on indictment for murder and treason the array shall consist of 12 jurors.

(2) Subject to section 36, in trials on indictment for an offence, other than murder or treason, the array shall consist of 9 jurors.

(3) In trials for a civil matter the array shall consist of 9 jurors.

Method of selecting trial jury etc.

18.(1) For the trial of an issue, the jury shall be drawn in open court in accordance with the procedure set out in subsections (2) to (5).

(2) The name of each juror who has been summoned, excluding any juror who has been excused from attendance or who is engaged in deliberating on some other matter, shall be written on a separate piece of card which shall be placed in a box and, when the issue is called for trial, the Registrar shall draw the number of cards required pursuant to section 17, one after the other, calling out the name on each card as it is drawn.

(3) Notwithstanding section 17 and subsection (2), where the Judge considers, in the interest of justice, that there should be alternate jurors for the trial of the issue

- (a) the Judge shall indicate the number of alternate jurors required, which shall not exceed 3; and
- (b) the Registrar shall draw the number of cards required pursuant to paragraph (a), one after the other, calling out the name on each card as it is drawn.

(4) Where any of the persons whose names are drawn and called under subsection (2) or (3) do not appear or are challenged and set aside pursuant to section 19, further names shall be drawn in a like manner until the required numbers of jurors and alternate jurors for the purpose of trial are reached.

(5) The names of all persons drawn pursuant to

- (a) subsection (2) and (4), shall be placed together and these persons shall constitute the jury for the trial of the issue; and
- (b) subsection (3) and (4), shall be placed together and these persons shall be alternate jurors for the trial of the issue.

Challenge

19.(1) Subject to subsection (2), in a trial on indictment, a person arraigned and the prosecution may, without reason, each object by way of peremptory challenge to not more than 7 persons drawn to form the jury.

(2) Where several persons are arraigned together,

- (a) the sum total of the peremptory challenges available to all such persons shall not exceed
 - (i) 10, where 5 persons or less are so arraigned; and
 - (ii) 2 for each person, where more than 5 persons are so arraigned,
 and, where the persons arraigned do not join in such challenges, the Judge shall, before the commencement of the drawing of the jury, apportion fairly among such persons the number of peremptory challenges; and
- (b) the number of peremptory challenges available to the prosecution in respect of each person arraigned shall not exceed the number of peremptory challenges available to the person arraigned.

- (3) Notwithstanding subsections (1) and (2), where the Judge indicates that a number of alternate jurors are required for the trial and
- (a) one person is arraigned, the person arraigned and the prosecution may, without reason, each object by way of peremptory challenge to one person drawn as an alternate juror; and
 - (b) several persons are arraigned,
 - (i) each person arraigned may, without reason, object by way of peremptory challenge to one person drawn as an alternate juror; and
 - (ii) the prosecution may, in respect of each person arraigned, without reason, object by way of peremptory challenge to one person drawn as an alternate juror.
- (4) Where both the prosecution and the defence agree that a person drawn to serve as a juror or as an alternate juror should be excused, it shall not be considered an effective challenge; and the Judge shall discharge the person from serving as a juror or alternate juror in the trial.
- (5) Challenge for cause shall be allowed without restriction either on the part of the prosecution or defence.
- (6) Where there is challenge for cause under subsection (5), the Judge shall decide upon the challenge.
- (7) Any challenge made under this Part shall be exercised before the person challenged is sworn as a juror.

Tales

20.(1) Where in a trial, a full jury does not appear or after appearance of a full jury, by reason of challenge or otherwise, there is likely to be a default of jurors, the Judge shall call upon the Registrar to name and appoint so many persons duly qualified as will make up a full jury who are present or can be found to serve on the jury.

(2) The Registrar shall annex the names of the persons selected under subsection (1) to the panel, and the trial shall proceed in all respects, including the right of challenge, as if the jurors so annexed were members of the original panel.

(3) Subsections (1) and (2) apply to alternate jurors as it applies to regular jurors.

Oath of jurors

21.(1) Prior to the commencement of a trial, a juror shall in open court take an oath or make the solemn affirmation or declaration stating that the juror will well and truly try the issue and give a verdict or make a finding, as the case may be.

(2) Where in any legal proceedings it is necessary or usual to state or allege that jurors have been sworn, it shall not be necessary to specify that any particular juror has made affirmation or declaration instead of oath and it shall be sufficient to state that the jurors have been sworn or affirmed.

(3) It shall not be necessary for the members of the jury to be sworn individually.

(4) Subsections (1), (2) and (3) apply to alternate jurors as it applies to regular jurors; and alternate jurors may be sworn at the same time as members of the jury.

Foreperson

22.(1) Upon the members of jury being duly sworn they shall elect, by majority vote, one member to be their foreperson.

(2) Where the majority of the jurors do not within such time as the Judge thinks reasonable elect a foreperson, the Judge shall appoint one of them as foreperson.

Substitution of alternate jurors

23.(1) Alternate jurors shall attend the presentation of evidence at trial and, where in the trial a full jury is not present, shall, before the jury retires to consider its verdict, replace any absent juror, in the order in which their names were drawn under section 18.

(2) An alternate juror who is not required as a substitute shall be excused after the jury retires to consider its verdict.

PART VI

JURY PROCEDURE

Separation

24.(1) The Judge may, in any trial where he thinks fit, and at any time, whether before or after the jury has been directed to consider its verdict, permit the jury to separate.

(2) Prior to a Judge permitting the jury to separate pursuant to subsection (1) the Judge shall admonish the jury not communicate with any person during the separation concerning the case.

Temporary separation of individual juror

25.(1) Where the jury has not been allowed to separate or are enclosed, the Judge may, for cause shown, allow a juror to separate from other jurors and where a juror is so separated that juror shall be in the charge of the Chief Marshal.

(2) A juror who has been allowed to separate under subsection (1) shall not communicate with any person during the separation concerning the case.

Illness of juror

26. Where in the course of a trial a juror becomes ill and is in need of medical attention, the Judge may

- (a) discharge the juror from further participation in the trial; or
- (b) permit the juror to be separated from the jury in order to seek medical attention.

Reduced jury

27. Where in a trial a jury is reduced, for any reason, by no more than 2 jurors, the jury shall be treated as properly constituted.

Discharge of jury before verdict

28.(1) A Judge may, during the course of a trial and at any time after the jury has been sworn, discharge the jury for any

- (a) situation of necessity;
- (b) misconduct;
- (c) irregularity or prejudicial matter; or
- (d) other reason in the Judge's discretion.

(2) Where a Judge discharges a jury under subsection (1),

- (a) the Judge may adjourn the case for trial at the same session or a future session or, in the case of a civil trial, on such special day as the Judge may deem fit;
- (b) the case shall be tried before another array;
- (c) the Judge may in his discretion excuse from such array any juror who took part in the previous trial; and
- (d) the decision of the Judge shall not be questioned in any court.

PART VII

JURY VERDICTS

Verdict of jury through foreperson

29.(1) Where a jury is not immediately prepared to return a verdict, the Judge shall direct it to retire and be enclosed.

(2) A verdict or finding of the jury, whether following consultation in the jury box or after the jury has retired and been enclosed, shall be returned orally by the foreperson of the jury in the presence of the other jurors.

Verdict for murder

30. In a trial on indictment for murder to which

- (a) any paragraph of section 2(2) of the *Offences Against the Person Act*, Cap. 141 applies, the verdict of the jury, whether of conviction or of acquittal in respect of that offence, shall be unanimous;
- (b) no paragraph of section 2(2) of the *Offences Against the Person Act*, Cap. 141 applies, the verdict of the jury, whether of conviction or of acquittal, need not be unanimous, if not less than 9 members of the jury are agreed thereon.

Majority verdicts in certain criminal cases and in civil cases

31. Subject to sections 32 and 33, in a trial for

- (a) murder, a verdict of manslaughter need not be unanimous but shall be made by not less than 9 members of the jury;
- (b) a criminal offence other than murder or treason, or of a civil action or matter, the verdict of the jury need not be unanimous but shall be made by not less than 7 members of the jury.

Conditions for acceptance of majority verdicts

- 32.** A Judge shall not accept a majority verdict unless
- (a) the foreperson of the jury has stated in open court the number of jurors who respectively agreed to and dissented from the verdict;
 - (b) in the discretion of the Judge having regard to the nature and complexity of the case, the jury have had not less than one hour for deliberation or a longer period in accordance with section 33.

Time period for deliberation

- 33.(1)** The jury shall not be kept in deliberation in excess of 5 hours in any trial unless
- (a) the Judge determines that a longer period of deliberation is warranted in the circumstances; or
 - (b) after the expiration of 5 hours, a majority of the jury requests more time.
- (2) Where the jury requests more time in accordance with subsection (1)(b) the Judge shall in his discretion grant the jury more time for deliberation.

Effect of reduced jury upon size of majority

- 34.** Where there is a reduced jury in accordance with section 27 the number of jurors who are required to constitute the majority shall be reduced by a like number.

Inability of jury to agree

- 35.** Notwithstanding section 33, where a Judge is satisfied that there is no reasonable probability that a jury will arrive at a verdict, the jury may be discharged at any time after the expiration of 5 hours from the time of its first retirement.

Joinder of charges

36. Where a charge for an offence lesser than murder is joined in the same indictment as a charge for murder, the array shall consist of 12 jurors and their verdicts shall be rendered in accordance with section 30 or section 31, as the case may be.

PART VIII

MISCELLANEOUS

Procedure for jury trial in civil cases

37.(1) Where, on the application of a party to an action or matter to be tried in the High Court in accordance with the *Supreme Court (Civil Procedure) Rules, 2008* (S.I. 2008 No. 66) the Judge is satisfied that

- (a) a charge of fraud against the party; or
- (b) a claim in respect of defamation, malicious prosecution or false imprisonment,

is in issue, the Judge shall order the action or matter to be tried by a jury unless the Judge is satisfied that the trial requires any prolonged examination of documents or accounts or any scientific or local investigation which cannot conveniently be made by a jury.

(2) Every civil case shall be tried by a Judge without a jury unless the Judge sees fit to make an order under subsection (1).

Obstruction of jury service

38.(1) Where an employee has been summoned for jury service, the employee shall, upon receipt of the summons, inform his employer of being summoned for jury service.

(2) No employer shall, whether directly or indirectly, by intimidation, undue influence or in any other way prevent or attempt to prevent an employee summoned for jury service from answering the summons.

(3) No employer shall

(a) make any deduction from the pay or other remuneration of an employee; or

(b) otherwise penalise an employee,

for absence due to jury service.

(4) An employer who contravenes subsection (2) or (3) commits an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 6 months or to both.

(5) Where an employer referred to in subsection (4) is a body corporate, every director or manager of the body corporate who

(a) consented to the contravention;

(b) connived at the contravention; or

(c) did not exercise all reasonable diligence as he ought in the circumstances to prevent the contravention,

commits an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 6 months or to both.

(6) Nothing in this section affects the obligation of a juror to his employer under his contract of service in respect of any period for which he is excused from jury service.

(7) Where

(a) the name of juror is not drawn; or

(b) the juror is challenged or set aside,

the Judge may excuse that juror from jury service for the remainder of the day or for such other period as the Judge specifies.

- (8) Where a juror is excused from jury service in accordance with subsection (7)
 - (a) the Judge shall inform the juror of his obligation to his employer; and
 - (b) the juror shall report to his place of employment.
- (9) It is a defence to a charge under subsection (3) for an employer to show that an employee was excused from jury service in accordance with subsection (7) and that the employee did not return to his place of employment.
- (10) A certificate given by the Registrar that a juror named in the certificate was or was not excused in accordance with subsection (7) is conclusive of the fact stated in the certificate.

Bribery of a juror

39.(1) A person who

- (a) offers or gives a financial or other advantage to a juror; and
- (b) intends the advantage to influence the juror in the performance of any function as a juror,

commits an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for 10 years or to both.

(2) A juror who accepts

- (a) a financial or other advantage; or
- (b) an offer of a financial or other advantage,

for the performance of any function of a juror commits an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for 10 years or to both.

Threats and intimidation of a juror

40. A person who

- (a) threatens or intimidates a juror; and
- (b) intends the threat or intimidation to influence the juror in the performance of any function as a juror,

commits an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for 10 years or to both.

Abolition of embracery

41. The offence of embracery is abolished.

Regulations

42. The Minister may make regulations generally for giving effect to this Act.

Transitional

43. Notwithstanding section 45, all trials started before the commencement of this Act shall continue in accordance with the provisions of the *Juries Act*, Cap. 115B.

Consequential amendments

44. The enactments set out in the Column 1 of the *Schedule* are amended in the manner specified in the Column 2.

Repeal of Cap. 115B

45. The *Juries Act*, Cap. 115B is repealed.

SCHEDULE*(Section 44)***CONSEQUENTIAL AMENDMENTS**

Column 1

Column 2

*Enactments**Amendments*

1. *Indictments Act*, Cap. 136 In the *Schedule*, delete paragraph 3 and substitute the following:

"Joining of charges in one indictment

3. Charges for any offence may be joined in the same indictment if those charges

- (a) are founded on the same facts;
- (b) form part of a series of offences of the same or similar character; or
- (c) though of a dissimilar character, were committed in the course of the same conduct."

2. *Firearms Act*, Cap. 179 Delete section 30A.

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2025.

President