

JURIES

No. 47 of 1967

An Ordinance relating to Juries.

PART I.—PRELIMINARY.

- Short title.** 1. This Ordinance may be cited as the *Juries Ordinance 1967*.*
- Administration.** 2. This Ordinance shall be administered by the Attorney-General.
- Commencement.** 3. This Ordinance shall come into operation on the first day of January, One thousand nine hundred and sixty-eight.
- Parts.** 4. This Ordinance is divided into Parts, as follows:—
 Part I.—Preliminary (Sections 1-6).
 Part II.—Number of Jurors (Sections 7-8).
 Part III.—Liability for Jury Service (Sections 9-18).
 Part IV.—Jury List (Sections 19-20).
 Part V.—Jury Precepts and Summonses (Sections 21-30).
 Part VI.—Striking and Impanelling Jury (Sections 31-32).
 Part VII.—Challenge (Sections 33-37).
 Part VIII.—Disagreement of Jury (Sections 38-40).
 Part IX.—Offences (Sections 41-44).
 Part X.—Miscellaneous (Sections 45-52).
- Repeal and saving.** 5.—(1.) The Ordinances specified in the First Schedule are repealed.
- (2.) The jury list made out under Division 2 of Part II. of the *Juries Ordinance 1932-1966* and in force immediately before the commencement of this Ordinance shall, for the purposes of this Ordinance, be the jury list for the Territory until it is superseded by the first jury list referred to in section 19 of this Ordinance.
- Interpretation.** 6.—(1.) In this Ordinance, unless the contrary intention appears—
 “ballot-box” means the box into which jury cards are placed by the proper officer under sub-section (2.) of section 28 of this Ordinance;
 “civil trial” means the trial of a suit, action or issue of fact ordered, in pursuance of section 14 of the *Australian Capital Territory Supreme Court Act 1933-1966*, to be tried before the Court with a jury;

* Made on 14 December 1967; notified in the *Commonwealth Gazette* on 20 December 1967.

- “criminal trial” includes the trial of an issue whether a prisoner is or is not capable of pleading to an indictment presented against him;
- “disqualified person” means a person referred to in section 10 of this Ordinance;
- “juror” includes a person appointed under section 31 of this Ordinance to attend to serve as a juror;
- “jury card” means a card prepared in pursuance of sub-section (3.) of section 27, or of sub-section (3.) of section 31, of this Ordinance;
- “jury precept” means a precept issued under section 22 of this Ordinance;
- “jury summons” means a summons under section 24 of this Ordinance;
- “Magistrate” means a Magistrate appointed under the *Court of Petty Sessions Ordinance 1930-1967*;
- “panel of jurors” means a list of names prepared in pursuance of sub-section (1.) of section 27 of this Ordinance;
- “person called” means a person whose name as shown on a jury card drawn from a ballot box is called out by the proper officer;
- “the City Area” means the area that is the City Area for the purposes of the *City Area Leases Ordinance 1936-1967*;
- “the Court” means the Supreme Court;
- “the Judge” means the Judge of the Supreme Court appointed under sub-section (1.) of section 7 of the *Australian Capital Territory Supreme Court Act 1933-1966*, or an additional Judge appointed under sub-section (2.) of that section;
- “the proper officer”, in relation to the exercise of a power or the performance of a duty under this Ordinance, means a person appointed by the Judge to be the proper officer for the exercise of the power or the performance of the duty;
- “the Registrar” means the Registrar of the Supreme Court;
- “the Roll of electors for the Territory” means the Roll of electors printed in pursuance of the Australian Capital Territory Electoral Regulations and includes a Supplementary Roll printed in pursuance of those Regulations;
- “the Sheriff” means the Sheriff of the Territory;
- “verdict” includes a finding.

(2.) In this Ordinance, a reference to a Schedule by number shall be read as a reference to the Schedule so numbered to this Ordinance.

PART II.—NUMBER OF JURORS.

Number of jurors.

- 7.—(1.) At a criminal trial, a jury shall consist of twelve jurors.
 (2.) At a civil trial, a jury shall consist of four jurors.

Reduced number of jurors.

8.—(1.) If, at a criminal trial for a capital offence, a juror dies or the Judge is satisfied that a juror is incapable of continuing to act as a juror by reason of illness or should not, for other sufficient cause, continue to act as a juror, the Judge shall discharge the jury and shall adjourn the trial to a date fixed by the Judge or to be fixed as the Judge orders.

(2.) If, at a civil trial or at a criminal trial other than a trial for a capital offence, the Judge is satisfied that, by reason of illness or other sufficient cause, a juror should not continue to act as a juror, the Judge may order that the juror be excused from further attendance during the trial and during such further period as the Judge specifies in the order.

(3.) Where, by reason of the death of a juror or of a juror being excused under the last preceding sub-section, the number of jurors is reduced to not less than ten in the case of a criminal trial other than a trial for a capital offence or to three in the case of a civil trial, the trial shall, if the Judge so orders and notwithstanding the last preceding section, continue with the reduced number of jurors, and the verdict of those jurors shall be a sufficient verdict.

- (4.) If, at a criminal trial other than a trial for a capital offence—
 (a) the number of jurors is reduced to eleven or ten and the Judge does not make an order under the last preceding sub-section; or
 (b) the number of jurors is reduced to less than ten,

the Judge shall discharge the remaining jurors and shall adjourn the trial to a date fixed by the Judge or to be fixed as the Judge orders.

- (5.) If, at a civil trial—

- (a) the number of jurors is reduced to three and the Judge does not make an order under sub-section (3.) of this section; or
 (b) the number of jurors is reduced to less than three,

the Judge shall discharge the remaining jurors and shall adjourn the trial to a date fixed by the Judge or to be fixed as the Judge orders.

PART III.—LIABILITY FOR JURY SERVICE.

Liability to serve as jurors.

9. Each man and each woman whose name is on the Roll of electors for the Territory is, unless he or she is a disqualified person or is exempt from serving as a juror, liable to serve as a juror.

10. A person who—

- (a) has been convicted, whether within or outside the Territory, of an offence punishable under the law in force at the place at which he was convicted by penal servitude or imprisonment for one year or longer and has not been granted a free pardon in respect of the offence;
- (b) is an undischarged bankrupt;
- (c) is unable to read and speak the English language;
- (d) is blind, deaf or dumb;
- (e) is, by reason of mental or physical disability, incapable of serving as a juror; or
- (f) is of unsound mind,

Persons not qualified to serve as jurors.

is not qualified to serve as a juror and his name shall not be included in the jury list.

11. Each person included in the following classes of persons is exempt from serving as a juror and the name of that person shall not be included in the jury list:—

Persons exempt from serving as jurors.

- (a) persons exempt from serving as jurors in the Territory—
 - (i) under the *Jury Exemption Act 1905-1950*;
 - (ii) under the *Jury Exemption Regulations*;
 - (iii) under the *Navigation Act 1912-1966*; or
 - (iv) under the *Air Navigation Regulations*;
- (b) ministers of religion;
- (c) magistrates and coroners;
- (d) employees of the Government of an overseas country or of an international organization;
- (e) the Official Secretary to the Governor-General;
- (f) the household officers and staff of the Governor-General;
- (g) practising barristers and solicitors and their employees;
- (h) practising medical practitioners who are registered under the *Medical Practitioners Registration Ordinance 1930-1967*;
- (i) practising pharmacists who are registered under the *Pharmacy Ordinance 1931-1967*;
- (j) practising dentists who are registered under the *Dentists Registration Ordinance 1931-1967*;
- (k) practising veterinary surgeons who are registered under the *Veterinary Surgeons Registration Ordinance 1965-1967*;
- (l) professors, lecturers, schoolmasters and school-teachers who are engaged in full-time teaching of organized classes at universities, colleges and schools;
- (m) editors of newspapers;
- (n) members of the Australian Capital Territory Police Force;

- (o) persons who are engaged in full-time duties as members of a fire brigade established under the *Fire Brigades Ordinance 1957-1966*;
- (p) women who, having given notice under section 12 of this Ordinance, are not liable to serve as jurors;
- (q) persons whose place of living is in the Territory accepted by the Commonwealth in pursuance of the *Jervis Bay Territory Acceptance Act 1915*; and
- (r) persons who, having attained the age of sixty years, claim exemption from serving as jurors.

Right of women to claim exemption from jury service.

12.—(1.) Where a woman whose name is on the Roll of electors for the Territory but is not on the jury list gives notice in writing to the Sheriff that she does not wish to have her name included in the jury list, the woman ceases to be liable to serve as a juror and her name shall not be included in the jury list.

(2.) Where a woman whose name is on the jury list, gives notice in writing to the Sheriff that she wishes to have her name struck off the jury list, the woman ceases, subject to the next succeeding sub-section, to be liable to serve as a juror, and her name shall be struck off the jury list.

(3.) Where—

- (a) a notice under the last preceding sub-section is given on or after the date of the issue of a jury precept; and
- (b) the woman giving the notice is summoned to attend the Court in pursuance of that jury precept,

the woman giving the notice remains liable to serve as a juror until she is discharged or excused from attendance, and thereupon her name shall be struck off the jury list.

(4.) A woman who has given a notice under sub-section (1.) or (2.) of this section, may, by a subsequent notice in writing given to the Sheriff, revoke the first-mentioned notice and such a woman, if her name is on the Roll of electors for the Territory, she is not a disqualified person and is not, apart from this section, exempt from serving as a juror, again becomes liable to serve as a juror and her name shall be included in the jury list.

Liability of disqualified or exempted persons to attend as jurors.

13. A person whose name is on the jury list is not excused from attendance in accordance with a jury summons by reason of his not being liable to serve, his not being qualified to serve, or his being exempted from serving, as a juror unless the Sheriff was, after the issue of the jury summons, informed accordingly and has excused the person from attendance.

Excusing of jurors by the Judge or Sheriff.

14. If the Judge or the Sheriff is satisfied that a person summoned or appointed to attend to serve as a juror ought to be excused from attendance by reason of illness or other sufficient cause, the Judge

or the Sheriff may, at any time after service of the summons or the appointment, as the case may be, excuse the person from attendance or further attendance on the Court during such period as the Judge or the Sheriff specifies.

15. If the Judge or the Sheriff is satisfied that two or more partners who are members of the same partnership or two or more persons who are employed in the same establishment have been summoned or appointed to attend as jurors on the same day, the Judge or the Sheriff may excuse one or more of those partners or persons from attendance on that day.

One of two partners, &c., may be excused.

16. If the Judge is satisfied that a person summoned or appointed to attend to serve as a juror has not sufficient understanding of the English language or of the course of judicial proceedings, or is suffering such mental or physical disability as to be incapacitated for the proper discharge of the duties of a juror, the Judge may discharge that person from further attendance on the Court in pursuance of that summons or appointment.

Discharge on account of language difficulty, &c.

17. If, in the opinion of the Judge, it is doubtful whether a person summoned or appointed to attend to serve as a juror is liable to serve as a juror, the Judge may excuse that person from further attendance on the Court.

Judge may excuse a person if in doubt whether he is liable for jury service.

18. The verdict of a jury shall not be impeached on the grounds that a person who served as a juror was not liable to serve, was not qualified to serve, or was exempt from serving, as a juror unless the Judge was informed accordingly before that person was sworn.

Impeachment of verdict of jury.

PART IV.—JURY LIST.

19.—(1.) The Sheriff shall, as soon as practicable after the commencement of this Ordinance and subsequently at intervals not exceeding four years, prepare a list of the names of persons liable to serve as jurors.

Jury list.

(2.) On each occasion on which it is necessary to do so, the Sheriff shall prepare the list by striking off from a copy of the latest Roll of electors for the Territory the name of each person who, to the knowledge of the Sheriff, is dead, is not qualified to serve as a juror or is exempt from serving as a juror.

(3.) The Sheriff shall cause to be posted up and to be kept posted up for a period of four weeks at not less than four post offices within the City Area a copy of the Roll referred to in the last preceding subsection showing the names that have been struck off the Roll under that sub-section.

(4.) Upon the posting up of those copies of the Roll, the Sheriff shall cause to be inserted in a newspaper published and circulating in the Territory a notice specifying the names of the post offices at which copies of the Roll have been posted up and stating that a person who objects to his name being struck off or remaining on the Roll may, within the period of four weeks referred to in the last preceding subsection, object in writing or in person to the Sheriff.

(5.) The Sheriff shall consider each objection and—

- (a) shall, as the circumstances, in his opinion, require, allow or reject the objection; and
- (b) shall make such alterations (if any) to the Roll as are necessary.

(6.) The names that remain on the copy of the Roll referred to in sub-section (2.) of this section after the alterations authorized by this section have been made constitute the jury list for the Territory.

(7.) The first jury list as so constituted supersedes the jury list referred to in sub-section (2.) of section 5 of this Ordinance and the list as so constituted or, if that list is revised in accordance with the next succeeding sub-section or the next succeeding section, that list as so revised continues to be the jury list for the Territory until the next jury list is prepared and constituted under this section.

(8.) The Sheriff shall from time to time revise the jury list—

- (a) by striking off the list the name of each person who, to the knowledge of the Sheriff, is dead, is not qualified to serve as a juror or is exempt from serving as a juror; and
- (b) by including in the list the name of each person who, having been exempt from serving as a juror, has, to the knowledge of the Sheriff, ceased to be so exempt.

Reviews in
connexion with
jury lists.

20.—(1.) A person who is aggrieved by a decision of the Sheriff to strike off, not to strike off, not to include or to include in the jury list the name of that person may apply in writing to a Magistrate for a review of the decision.

(2.) The Magistrate shall fix a date and time for the hearing of the application and shall cause the applicant and the Sheriff to be notified accordingly.

(3.) The decision of the Magistrate on an application for a review under this section is final and conclusive.

(4.) The Sheriff shall revise the jury list so that it accords with the decision of the Magistrate.

PART V.—JURY PRECEPTS AND SUMMONSES.

Definition.

21. In this Part, unless the contrary intention appears, “the Sheriff”, in relation to a jury precept that is directed, under section 59 of the *Australian Capital Territory Supreme Court Act 1933-1966*, to a person other than the Sheriff, means that other person.

Jury precepts.

22. From time to time and as often as necessary, the Judge shall issue, under his hand, a precept directed to the Sheriff requiring him to summon persons to attend on the Court to serve as jurors.

23. A jury precept shall be in accordance with Form 1 in the Second Schedule and shall specify the number of persons required to attend on the Court to serve as jurors and the time when the attendance of those persons is required.

Terms of precept.

24.—(1.) Where a jury precept is delivered to the Sheriff, he shall choose by lot, from the names on the jury list, the names of as many persons as he considers necessary to ensure that the number of persons that the jury precept requires to attend to serve as jurors, will be in attendance at the Court at the time specified in the precept.

Jurors to be chosen by lot.

(2.) Where it appears to the Sheriff that—

- (a) a person whose name has been so chosen is dead, is exempt from serving as a juror or has become a disqualified person;
- (b) a person whose name has been so chosen is a person referred to in the next succeeding section; or
- (c) there are reasonable grounds for believing that it is unlikely that a person whose name has been so chosen will be served with the jury summons,

the Sheriff shall choose by lot, in substitution for the name previously chosen, the name of another person whose name appears on the jury list.

(3.) The Sheriff shall cause to be served upon each person whose name has been so chosen a summons in accordance with Form 2 in the Second Schedule.

25. A person who has, during the currency of a jury list, attended on the Court to serve as a juror is not liable to be summoned or appointed to attend to serve as a juror until that jury list has been exhausted.

Jurors not liable to be summoned until jury list exhausted.

26. A jury summons may be served—

- (a) by delivering it to the person named on it, or by leaving it with a person apparently over the age of sixteen years of age at that person's place of living as shown on the jury list, not less than four clear days before the date on which he is required to attend; or
- (b) by sending it by post (under prepaid postage) in an envelope addressed to the person at his place of living as shown on the jury list not less than seven clear days before the date on which he is required to attend.

Service of jury summonses.

27.—(1.) The Sheriff shall prepare a panel of jurors for the purpose of the jury precept by listing the names of persons who have been served with jury summonses or if the number of persons served with jury summonses exceeds the number of persons specified in the jury precept as the number of persons required to attend at the Court, by listing, in the order in which the names were chosen under sub-section (1.) or (2.) of section 24 of this Ordinance so many of

Preparation of panel of jurors, and lists of jurors excused and jury cards.

those names as equals the number of persons so required by the jury precept to attend.

(2.) The Sheriff shall also prepare a list showing the names of the persons who have been served with jury summonses and whose names have not been included in the panel of jurors.

(3.) The Sheriff shall—

- (a) insert, on the jury panel opposite to each name appearing on the panel, the occupation of the person as shown in the jury list; and
- (b) prepare in respect of each of those persons a card showing the name and occupation of the person.

(4.) The persons whose names appear on the list referred to in sub-section (2.) of this section are excused from attendance at the Court in compliance with the requirements of the jury summons, and the Sheriff shall notify each of those persons accordingly.

Sheriff's return to precept.

28.—(1.) Upon the day and at the time specified in a jury precept for the attendance of the persons summoned in pursuance of the jury precept, the Sheriff shall return into the Court the jury precept and shall deliver it to the proper officer together with—

- (a) the panel of jurors;
- (b) proof of service of the jury summons on each person named in the jury panel; and
- (c) the jury cards prepared in respect of the persons whose names appear on the jury panel.

(2.) The proper officer shall place the jury cards in a ballot-box approved by the Judge.

Inspection of jury panels.

29.—(1.) Except by leave of the Judge, a person shall not, before the day fixed for a criminal trial or a civil trial, be permitted to inspect the panel of jurors for the trial or to inspect or obtain a copy of the panel.

(2.) Counsel for the Crown, the accused or his counsel or solicitor may, on the day fixed for a criminal trial, inspect or obtain from the Sheriff a copy of the panel of jurors for the trial.

(3.) A party in a civil trial or his counsel or solicitor may, on the day fixed for the trial, inspect or obtain from the Sheriff a copy of the panel of jurors for the trial.

Informalities, &c., not to invalidate verdict.

30. An omission, informality or error in name or occupation (if there is no question of identity) with respect to the jury list, a jury precept or a panel of jurors does not invalidate or affect any verdict returned by a jury that is in other respects according to law.

PART VI.—STRIKING AND IMPANELLING JURY.

31.—(1.) At the commencement of a criminal trial, the proper officer shall draw the jury cards out of a ballot-box one at a time and call aloud the name and occupation shown on each card so drawn until twelve persons have entered the jury-box. Striking a jury at a criminal trial.

(2.) If all the jury cards are exhausted, by challenge or otherwise, before twelve persons have entered the jury-box at a criminal trial, the Judge may order the Sheriff to appoint forthwith from persons in or in the vicinity of the Court who are liable to serve as jurors so many persons to attend to serve as jurors as will enable twelve persons to enter the jury-box.

(3.) The names of the persons so appointed shall be deemed to have been returned on the jury precept and to have been included in the jury panel and the Sheriff shall deliver to the proper officer a jury card showing the name and occupation of each of those persons.

(4.) The persons so appointed are subject to challenge in the same manner as the persons whose names are included on the panel of jurors.

(5.) The twelve persons in the jury-box shall, upon being sworn, be the jury for the criminal trial.

(6.) A card bearing the name of a person, not being a person appointed under this section, who has been called but not sworn shall, upon the jury being sworn, be returned to the ballot-box.

(7.) When the verdict of the jury has been given and recorded or the jury has been discharged, whichever first happens, the jury cards bearing the names of the jurors shall, unless the Court otherwise orders, be returned to the ballot-box.

32.—(1.) For the purposes of this section, where, at a civil trial, there are several plaintiffs who are represented by the same counsel or several defendants who are represented by the same counsel, they shall be deemed to be one plaintiff or one defendant, as the case may be. Striking a jury at a civil trial.

(2.) At the commencement of a civil trial, the proper officer shall draw jury cards out of a ballot-box one at a time and call aloud the name and occupation shown on each card so drawn out until, after all challenges for cause are allowed, twelve of the persons so called stand in their place in the Court.

(3.) Where there are several plaintiffs not all of whom are represented by the same counsel or there are several defendants not all of whom are represented by the same counsel, the last preceding subsection applies as if the words "so many persons as the Judge directs" were substituted for the words "twelve of the persons".

(4.) The proper officer shall make out a list of the names and occupations of the persons so standing and shall deliver the list successively to—

- (a) counsel representing the plaintiff or, where there are several plaintiffs not all of whom are represented by the same counsel, to counsel for the different plaintiffs or, if a plaintiff is not represented by counsel, to that plaintiff; and
- (b) counsel representing the defendant or, where there are several defendants not all of whom are represented by the same counsel, to counsel for the different defendants or, if a defendant is not represented by counsel, to that defendant.

(5.) Each counsel or party to whom the list is delivered may strike four names off the list.

(6.) Where a defendant does not appear in person or by counsel, the proper officer may, on his behalf, strike four names off the list.

(7.) After the names are struck off under this section, if not more than four names remain on the list, the persons whose names so remain or, if more than four names then remain on the list, the persons whose names are the first four names so remaining shall enter the jury-box and, upon being sworn, shall be the jury for the trial.

(8.) The card bearing the name of a person who has been called but not sworn shall, upon the jury being sworn, be returned to the ballot-box.

(9.) When the verdict of the jury has been given and recorded or the jury has been discharged, whichever first happens, the jury cards bearing the names of the jurors shall, unless the Court otherwise orders, be returned to the ballot-box.

(10.) A reference in this section to counsel shall, in a case in which a party is represented in Court by a solicitor, be read as including a reference to that solicitor.

PART VII.—CHALLENGE.

Standing
persons by.

33.—(1.) At a criminal trial, the Court may, at the request of counsel for the Crown, order a person called to stand by until all cards have been drawn from the ballot-box.

(2.) When all cards have been drawn from the ballot-box and less than twelve persons have entered the jury-box, the cards bearing the names of the persons who have been ordered to stand by shall be returned to the ballot-box and again drawn from the ballot-box in accordance with section 31 of this Ordinance.

Challenges
at criminal
trials.

34.—(1.) At a criminal trial, the Crown is entitled—

- (a) if the trial is for a capital offence—to twenty peremptory challenges;

- (b) if the trial is for an offence other than a capital offence—
to eight peremptory challenges; and
- (c) to any number of challenges for cause.

(2.) At a criminal trial, the accused or his counsel or solicitor is entitled—

- (a) if the trial is for a capital offence—to twenty peremptory challenges;
- (b) if the trial is for an offence other than a capital offence—
to eight peremptory challenges; and
- (c) to any number of challenges for cause.

35. At a criminal trial, a challenge shall be made as the person called comes to, and before he enters, the jury-box.

Time for
challenging at
criminal trials.

36. Subject to section 32 of this Ordinance, a party in a civil trial or his counsel or solicitor is not entitled to challenge a person called except for cause.

Challenge at
civil trial.

37. An omission, irregularity or error by the Sheriff or any of his officers with respect to the time or mode of service of a summons on a person in pursuance of a jury precept, or the summoning or return of such a person by a wrong name (if there is no question of identity) is not a cause of challenge.

Informality in
summoning
jurors.

PART VIII.—DISAGREEMENT OF JURY.

38. Where, at a criminal trial—

- (a) a period of six hours has elapsed since the jury retired; and
- (b) the judge is satisfied, after examination of one or more of the jurors, that the jurors are not likely to agree,

Disagreement
at criminal
trials.

the Judge may discharge the jury, but, except as otherwise provided by this Ordinance, the Judge shall not discharge the jury until the period of six hours has elapsed.

39.—(1.) Where, at a civil trial—

- (a) a period of six hours has elapsed since the jury retired;
- (b) the jurors are not unanimously agreed upon their verdict;
and

Disagreement at
civil trials.

(c) three of the jurors are agreed upon the verdict to be given, the decision of those three jurors shall be taken and entered as the verdict of the whole jury.

(2.) Where, at a civil trial—

- (a) a period of six hours has elapsed since the jury retired;
and
- (b) it is not possible to enter a verdict in accordance with the last preceding sub-section,

the Judge may discharge the jury, but, except as otherwise provided by this Ordinance, the Judge shall not discharge the jury until the period of six hours has elapsed.

Adjournment
of trial
on discharge
of jury for
disagreement.

40. Where a jury is discharged under either of the last two preceding sections, the Judge shall adjourn the trial to a date fixed by the Judge or to be fixed as the Judge orders.

PART IX.—OFFENCES.

Offences by
jurors.

41. Where—

- (a) a person served with a summons to attend or appointed by the Sheriff to serve as a juror, not being a person who has been excused under this Ordinance from attendance, has failed to attend in accordance with the summons or appointment; or
- (b) a person who has so attended has, before being discharged or excused by the Judge or the Sheriff and without the permission of the Sheriff, withdrawn himself from the presence of the Court,

the Judge may, on the facts being reported to him by the Sheriff in open Court, impose forthwith and without service of process on the person a fine not exceeding One hundred dollars.

Enforcement
of fines.

42.—(1.) Where a fine has been imposed on a juror, the Registrar shall give notice in writing to the juror of the fact that the fine has been imposed.

(2.) A notice in writing under the last preceding sub-section may be served in the manner in which a jury summons may be served.

(3.) Within twenty-one days after the notice is served, the juror may apply to the Judge in writing, supported by an affidavit or statutory declaration, for the remission or mitigation of the fine on one of the following grounds, namely:—

- (a) that the juror was, by reason of illness or other sufficient cause, unable to attend or to continue to attend to serve as a juror; or
- (b) in a case where the jury summons was not personally served on the juror, that the juror did not know that he had been summoned.

(4.) The Judge may confirm, remit or mitigate the fine and the Registrar shall give notice in writing to the juror of the decision of the Judge.

(5.) A notice in writing under the last preceding sub-section may be served in the manner in which a jury summons may be served.

(6.) Where application is not made under sub-section (3.) of this section or application is so made but the Judge confirms or mitigates the fine, and the fine or the fine as mitigated remains unpaid for a period of twenty-one days after the notice referred to in the last preceding sub-section is served, the Registrar may deliver to the Sheriff a writ of execution in accordance with Form 3 in the Second Schedule.

(7.) The Sheriff shall execute the writ of execution according to its tenor in the manner in which a writ of execution issued out of the Court is executed.

(8.) In this section, “juror” means a person upon whom a fine is imposed under the last preceding section.

43. A person shall not personate, or attempt to personate, a person whose name is on a panel of jurors for the purpose of sitting as that person on a jury.

Personation
of jurors.

Penalty: Two hundred dollars or six months imprisonment.

44. A person who corrupts a juror, or influences a juror except by evidence or argument given in Court, or a juror who is corrupted or is so influenced, is guilty of an indictable offence punishable upon conviction by imprisonment for a period not exceeding five years.

Corruptly
influencing
a juror.

PART X.—MISCELLANEOUS.

45. Before serving as a juror, a person shall in open Court make an oath in accordance with the appropriate form in the Third Schedule.

Oath by
jurors.

46. The person in charge of a jury shall make an oath in accordance with the appropriate form in the Third Schedule.

Oath by
person in
charge of jury.

47.—(1.) At a criminal trial or a civil trial, the Judge may, at any time before a jury gives its verdict, order a view of any place or property by the jury and may make all such orders upon the Sheriff or other persons, and give such directions, as the Judge thinks necessary, for the purposes of the view.

View during
trial.

(2.) Upon a view being ordered, the person in charge of the jury and each person appointed by the Judge to conduct the view shall make an oath in accordance with the appropriate Form in the Third Schedule.

(3.) The expenses of a view at a civil trial are payable to such extent and by such person, in the first instance, as the Judge orders.

48.—(1.) A person who is required by this Ordinance to make an oath in accordance with a form in the Third Schedule may make an affirmation in accordance with that form, with such alterations as are necessary.

Affirmations.

(2.) A person so making an affirmation shall, for the purposes of this Ordinance, be deemed to have been sworn.

49. The Court may, at any time after a jury has been sworn and whether or not it has retired to consider its verdict, order the jury to be supplied with such refreshments as the Court thinks fit, and the Sheriff shall cause the refreshments to be provided accordingly.

Food and
refreshment
for jury.

50. At a criminal trial other than a trial for a capital offence, the Court may, subject to such conditions as the Court thinks fit, at any time before the jury retires to consider its verdict, permit the jury to separate.

Separation of
jury at criminal
trials.

51. A person who attends on the Court, either upon being summoned or appointed to attend to serve as a juror, is, for each day on which he so attends, whether he serves as a juror or not, entitled to receive payment for his attendance in accordance with the prescribed scale.

Payment of
jurors.

52. The Attorney-General may make regulations, not inconsistent with this Ordinance, prescribing the scale of payments for the purposes of the last preceding section.

Regulations.

THE SCHEDULES

FIRST SCHEDULE

Section 5.

ORDINANCES REPEALED

- Juries Ordinance 1932.*
- Juries Ordinance (No. 2) 1932.*
- Juries Ordinance 1933.*
- Juries Ordinance (No. 2) 1933.*
- Juries Ordinance 1936.*
- Juries Ordinance 1941.*
- Juries Ordinance 1951.*

SECOND SCHEDULE

Form 1.

Section 23.

AUSTRALIAN CAPITAL TERRITORY

Juries Ordinance 1967

JURY PRECEPT

To the Sheriff.

In pursuance of the *Juries Ordinance 1967*, I require you to summon to attend the Supreme Court of the Australian Capital Territory at 10 a.m. (or as the case may be) on the _____ day of _____, 19____,

persons whose names appear on the jury list to make, on that date and until discharged or excused by the Court or by you, a jury for all such matters as shall be required of them.

Given under my hand at _____, 19____, this _____ day of _____.

Judge.

Form 2.

Section 24.

AUSTRALIAN CAPITAL TERRITORY

Juries Ordinance 1967

JURY SUMMONS

IN THE SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY.

To—

.....
.....

You are hereby required to attend the Supreme Court of the Australian Capital Territory at Knowles Place, Canberra City, at 10 a.m. (or as the case may be) on the _____ day of _____, 19____, to serve as a juror and you are there to attend from day to day until you are discharged or excused by the Court or the Sheriff.

Dated this _____ day of _____, 19____.

Sheriff.

Form 3.

Section 42.

AUSTRALIAN CAPITAL TERRITORY

Juries Ordinance 1967

WRIT OF EXECUTION AGAINST JUROR

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

To our Sheriff of the Australian Capital Territory.

WE command you that of the goods and chattels, moneys and securities for money of and belonging to _____ of _____ (excepting the wearing apparel, bedding, tools and implements of trade of the said

SECOND SCHEDULE—*continued*

to the value of Five hundred dollars in the whole) you cause to be made a levy of the sum of _____ being the amount of a fine payable by the said _____ for an offence against the abovementioned Ordinance committed on the day of _____, 19____, and that you do all such things as you are authorized and required to do in this behalf that you have the said money before us in our Supreme Court of the Australian Capital Territory immediately after the execution thereof to satisfy us for the said fine and that you have there then this writ.

Witness _____, Judge of the Supreme Court of
the Australian Capital Territory, at _____ this
day of _____, 19____. Registrar of the Supreme Court.
Levy _____ dollars besides the Sheriff's Fee and other fees and expenses.

THIRD SCHEDULE Sections 45, 46 and 47.

OATH BY JUROR AT A CRIMINAL TRIAL

I swear that I will faithfully try the several issues joined between our Sovereign Lady the Queen and the prisoner(s) at the bar and will give a true verdict according to the evidence.
So Help Me God!

OATH BY JUROR AT CIVIL PROCEEDINGS

I swear that I will faithfully try the issues and assess the damages in all causes that may be brought before me for trial or inquiry and will give a true verdict according to the evidence.
So Help Me God!

OATH BY JUROR IMPANELLED TO TRY WHETHER THE PRISONER IS OR IS NOT CAPABLE OF PLEADING TO AN INDICTMENT

I swear that I will diligently inquire whether A.B., the prisoner who stands indicted for _____ is or is not capable of pleading to the indictment, and will give a true verdict according to the best of my understanding.
So Help Me God!

OATH BY PERSON IN CHARGE OF JURY

I swear that I will keep this jury in my charge and will not allow anyone to speak to any juror and that I will not speak to any juror myself concerning the issues before the Court.
So Help Me God!

OATH BY PERSON IN CHARGE OF JURORS ON A VIEW

I swear that I will faithfully attend this jury to the place (or property) that the jury has been ordered by the Judge to view, and that I will not allow anyone to speak to any juror concerning the issues before the Court, other than the persons appointed and sworn to show that place (or property) to this jury and that I will not speak to any juror myself concerning the issues before the Court.
So Help Me God!

OATH BY PERSON CONDUCTING A VIEW

I swear that I will attend this jury and faithfully show this jury the place (or property) that this jury has been ordered by the Judge to view and that I will not speak to any juror concerning the issues before the Court otherwise than to describe that place (or property).
So Help Me God!