



BELIZE

**JURIES ACT
CHAPTER 128**

**REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

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CHAPTER 128

JURIES ACT

CAP. 78,
R.E., 1980-1990.
15 of 1970.
9 of 1972.
18 of 1998.
42 of 1999.
10 of 2003.
6 of 2011.
S.I. 80 of 2011.

[9th January, 1971]

PART I

Preliminary

1. This Act may be cited as the Juries Act.

Short title.

2. In this Act, unless the context otherwise requires,

Interpretation.

“action” has the same meaning as is assigned to it by the Supreme Court of Judicature Act, Cap. 91;

“court” means the Supreme Court established by the Belize Constitution, Cap. 4;

“district” means a district appointed under the Supreme Court of Judicature Act for the holding of sittings of the court;

“Proper Officer” means as regards the Central District, the Registrar appointed under the Supreme Court of Judicature Act, Cap. 91, as regards the Northern District or the Southern District, the deputy registrar appointed under the said Act for that district;

“registry” has the same meaning as is assigned to it by the Supreme Court of Judicature Act;

“revising officer” means a person appointed under section 10 (2) of this Act.

PART II

*Qualification, Preparation and
Revision of lists of Jurors*

Qualification for
service as juror.

3. Every person, not disqualified under section 5 or exempted under section 6 of this Act, who is qualified to be a voter under any law providing for the registration of voters for the election of members of the House of Representatives, whether his name appears on the list of such voters or not, shall be qualified and liable to serve as a juror on juries for the trial and determination of causes before the court,

Provided that,

- (a) a person has, or is married to a person who has an income of not less than six hundred dollars per annum, inclusive of the value of any board or lodging to which that person is lawfully entitled under the terms of his employment; and
- (b) he is occupying premises for business or residential purposes the annual value of which in the valuation roll for the time being in force is not less than two hundred dollars,

such a person shall be registered as a juror on the list or lists relating to the district in which he resides.

Qualification of
alien for service
as juror.

4.-(1) A naturalised citizen of Belize or an alien who has been resident in Belize for five years at least shall, if in other respects qualified and not exempted as mentioned in section 6 of this Act, be liable to serve on juries in the same manner as if he were a natural born citizen of Belize.

(2) Except as provided in subsection (1) of this section, no person not being a natural born citizen of Belize shall be qualified to serve on juries.

(3) Notwithstanding anything in this section, the Crown or the person arraigned for trial may challenge such alien, and it shall not be necessary for either of them to allege any other ground of objection than that the person so challenged is an alien.

5. No person who,

Disqualification
for service as juror.

- (a) is unable to speak, read and write English;
- (b) has, within five years immediately preceding the date of the preparation or revision of the jury lists, or the date of trial for which a jury is being empanelled, been convicted of any offence or offences punishable with a sentence or accumulated sentences of imprisonment exceeding six months, unless he has received a free pardon in respect thereof;
- (c) is over sixty or under eighteen years of age;
- (d) is suffering, at the date of the preparation or revision of the jury lists or at the date of trial for which a jury is being empanelled, from deafness, dumbness, blindness, unsoundness of mind or other serious physical or mental incapacity; or
- (e) is by his sole profession a consular officer of a foreign country of which he is a subject,

shall be qualified to serve on juries.

6.-(1) The following persons shall be severally exempt from being returned to serve and from serving on juries,

Persons exempted
from service as
jurors.

- (a) the Chief Justice, the judges and their spouses;

10 of 2003.

9 of 1972.

- (b) members of the National Assembly;
- (c) officers of Her Majesty's Navy, Army and Air Force on the active list and their spouses;
- (d) officers and members of the paid staff of the Belize Defence Force;
- (e) staff of the Governor-General;
- (f) such persons employed in the public service as may be prescribed in rules of court;
- (g) members of the consular posts of foreign powers or of any Commonwealth country or of the Republic of Ireland and members of their families forming part of their households;
- (h) ministers of religion;
- (i) women who are vowed members of religious orders and who are living in convents or other religious communities or are engaged wholly or mainly in work associated with membership of such religious orders;
- (j) *[Repealed by Act 10 of 2003]*
- (k) practising attorneys-at-law, their spouses and their clerks;
- (l) registered medical practitioners, registered dentists, registered opticians, and their assistants;
- (m) nurses and midwives registered under the Nurses and Midwives Registration Act, Cap. 321;
- (n) registered chemists and druggists actually carrying on business as such;

- (o) pilots and mariners actually employed;
- (p) *[Repealed by Act 10 of 2003]*
- (q) *[Repealed by Act 10 of 2003]*
- (r) the Mayor or a Councillor of a City or Town Council duly constituted under the applicable law in Belize;
- (s) the manager of any bank or of a branch thereof licensed to carry on the business of banking and the manager of any credit union incorporated under the laws of Belize;
- (t) members of the police department and their spouses; 42 of 1999.
- (u) editors of daily or weekly newspapers and such members of their staff in respect of whom the Registrar is satisfied that jury service would disrupt the publication of such newspapers;
- (v) Magistrates. 10 of 2003.

(2) The names of the persons described in subsection (1) of this section, shall not be inserted in any jury list or in any Juror's Book, but if their names are inserted therein, such persons may claim exemption.

7. No person whose name appears in any jury list signed and allowed by the revising officer, or in any Juror's Book as provided in section 10 of this Act shall, unless that name has been removed therefrom by the court on appeal, be entitled to be excused from attendance on the ground of any disqualification or exemption, other than illness, not claimed by him at or before the revision of the jury lists.

Disqualification for exemption must be claimed.

8.-(1) Every person who, whether as principal or attorney or manager, has others in his employ in any district shall, on or before 30th September in every year, or on application made to him at any time by the Proper Officer, furnish that officer with a list signed by him of all those persons

Information for preparation of jury lists.

who are, to the best of his belief, qualified by property or income, age, health, record, nationality or residence and ability to read, write and speak English to serve as common jurors or as special jurors and shall state whether or not such persons are married.

(2) The Mayor of each City or Town Council shall, on the application of the Proper Officer, furnish a list of all persons qualified as common jurors or special jurors as shown by the tax roll of the Council.

(3) Every magistrate shall, on the application of the Proper Officer, furnish to the best of his ability any information which he may have or is able to obtain as to the qualifications as common jurors or special jurors, by property or otherwise, of all persons within his district.

(4) On the application of the Proper Officer or the revising officer, a Government medical officer shall examine, free of charge, any person within his district as to whose physical qualification to serve as a juror any question has arisen and, if that person consents to be so examined, shall furnish the Proper Officer or the revising officer, as the case may be, with a certificate of his physical condition.

(5) The Proper Officer or the revising officer shall make an application under this section in writing and may serve it by post.

(6) The Mayor of each City or Town Council shall permit the Proper Officer to inspect at any reasonable time any valuation or tax roll in any town.

(7) A person who fails to furnish any information under, or to perform any act required by, this section is guilty of an offence and is liable, on summary conviction, to a fine not exceeding one hundred dollars.

9.-(1) The Proper Officer in each district shall on or before 1st November in every year, prepare or cause to be prepared for his district from such information as may be available to him, including any list supplied to him under section 8 of this Act,

Preparation and
publication of
jury lists.

- (a) a list of common jurors made up of all persons qualified and liable to serve on juries pursuant to this Act and shall set forth in that list the full christian names and surnames, profession, calling or occupation, residences and qualifications of those persons respectively, according to the form in the First Schedule, and shall subscribe the list so prepared with his own name, address and description and make a declaration in writing thereon that such list contains, to the best of his knowledge, information and belief, the names of all persons within his district who are qualified and liable to serve according to the provisions of this Act; and
- (b) a separate list of special jurors selected from the list of common jurors and made out in the same form and with the same particulars and declaration as in the case of the list of common jurors, which list shall consist of,
- (i) all persons occupying premises for business or residence of the annual value of three hundred and sixty dollars and upwards;
- (ii) all persons owning real property of the value of not less than five thousand dollars;
- (iii) all persons in receipt of an annual income of not less than one thousand eight hundred dollars; and
- (iv) all persons who are professionally qualified and/

18 of 1998.

(2) The list of common jurors and the list of special jurors for the Central District shall be subdivided into the following divisions,

- (a) the Belize Administrative District Division; and
- (b) the Cayo Administrative District Division,

but each of the said lists shall nevertheless be a single list for the Central District.

(3) The list of common jurors and the list of special jurors for the Southern District shall be subdivided into the following divisions,

- (a) the Stann Creek Administrative District Division; and
- (b) the Toledo Administrative District Division,

but each of the said lists shall nevertheless be a single list for the Southern District.

(4) The list of common jurors and the list of special jurors for the Northern District shall be subdivided into the following divisions,

- (a) the Corozal Administrative District Division; and
- (b) the Orange Walk Administrative District Division,

but each of the said lists shall nevertheless be a single list for the Northern District.

10 of 2003.

(5) For the purpose of preparing those lists, the Proper Officer shall annually strike out in the Jurors' Book in force provided for in section 10 the names of all jurors who are above the age of seventy years or who have died or departed from the district.

(6) The jury list shall, together with a notice in the form of the Second Schedule signed by the Proper Officer and stating that the revising officer will sit at the time and place to be specified therein for the purpose of

revising the lists and hearing all objections thereto, be published in the *Gazette* within seven days after the preparation thereof, and within three days after such publication, the appropriate lists shall be exhibited at the main door of the Registry in Belize City or at the court house in Corozal Town or in Dangriga City, as the case may be, and at other conspicuous places in each district.

10.—(1) The Proper Officer shall transmit three printed copies of both lists of jurors to the revising officer who shall, within fourteen days, but not sooner than seven days, after the publication of those lists, sit in his district for the revision thereof, and every person claiming to be added to, or exempted from, the lists or to have any alteration made in his name or description on the lists, may appear and prove his claim by oath or other evidence.

Procedure on
revision of lists.

(2) The Minister shall, by notice published in the *Gazette*, appoint a magistrate or other fit and proper person to be revising officer in each district for the purposes of this Act.

(3) Where the qualification or exemption is claimed on the ground of salary it shall be proved by the evidence of the employer or his agent, or other proper evidence.

(4) Where the qualification is claimed otherwise than in respect of salary, proof shall, where possible, be given by documents on record in the General Registry or, in their absence, by affidavit and other evidence to the satisfaction of the revising officer.

(5) The Registrar, the Mayor of any City or Town Council, and the Commissioner of Police, and any district officer shall have the right of audience and may on proper grounds lodge objections to the inclusion or omission of any name and to the correctness of any description.

(6) The revising officer may insert in the jury lists the name of any person whom he considers should not have been omitted, and may strike out the name of any person whom he considers to be improperly included, and may correct any error or omission whether of name, description or otherwise:

Provided that,

- (a) except on the application of the person whose name or description is being dealt with, no inclusion, removal or alteration aforesaid shall be made unless that person has had two days' notice in writing that application will be made to the revising officer at the sitting; and
- (b) in the absence of notice, the revising officer shall cause written notice to be given, fixing a convenient place and date, not earlier than three days from the date of notice, requiring him to show cause why the inclusion, removal or alteration should not be made.

(7) The revising officer shall have, with regard to securing the attendance of witnesses before him, administering the oath and enforcing the giving of evidence, all the powers and authority which a magistrate possesses in an inferior court.

(8) When the lists have been duly revised the revising officer shall sign them with his allowance thereof and, on or before 15th December next following, transmit them to the Registrar who shall, within seven days of the receipt thereof, cause them to be published in the *Gazette* and copies thereof to be exhibited at the main door of the Registry and at other conspicuous places in each district.

(9) The Registrar shall keep the revised jury list for each district in the Registry and shall, immediately after receiving them, cause both the list of common jurors and the list of special jurors to be fairly copied in books to be entitled "The Central District Jurors' Book for the Year", "The Northern District Jurors' Book for the Year", and "The Southern District Jurors' Book for the Year" according as the same may be for the Central District, the Northern District or the Southern District, which Jurors' Books shall be authenticated with the signature of the Registrar at the end of each page thereof.

(10) The Registrar shall prefix to each name in the Jurors' Books its proper number, beginning with the number "one" from the first name and continuing thence in regular numerical order down to the last name.

(11) The Jurors' Books shall be and remain in the custody of the Registrar.

(12) The Registrar shall keep at his office a reasonable number of copies of the jury lists as signed and allowed by the revising officer and as may be varied by any order of the court and shall make them available, at the price of fifty cents a copy, to members of the public who have lawful business in connection therewith.

11.—(1) An appeal shall lie to the court from any decision of the revising officer made under section 10 of this Act in the same manner and form as from a decision of an inferior court, and the provisions of Part IX of the Supreme Court of Judicature Act, Cap. 91, and of any rules of court, shall *mutatis mutandis*, apply to every such appeal.

Appeal from decision of Revising Officer.

(2) An appeal shall not prevent or postpone the allowance of the lists by the revising officer or invalidate any act done thereafter under the lists.

12. The Registrar shall regularise the jury lists kept in the Registry and the Jurors' Books in his custody by entering therein every insertion, deletion or alteration of the name, description or other particulars of a juror directed by the court on appeal from any decision of a revising officer and shall authenticate it with his signature.

Jury lists and Jurors' Book to be regularised.

13.—(1) Every Jurors' Book so prepared and regularised shall be taken to be a true record of all persons qualified and liable to serve on juries for the district to which it relates for the twelve months subsequent to 31st December in any year,

Jurors' Books to be true record of jurors.

Provided that the Jurors' Book shall remain in force until the next Jurors' Book for the same district has been prepared.

(2) Where in accordance with this Act the Registrar has struck and made out from a Jurors' Book for any district while it remains in force by virtue of the proviso to subsection (1) of this section a panel of common or special jurors,

- (a) to serve at a sitting of the court in its criminal jurisdiction, every issue between the Crown and an accused person tried before a jury constituted from such panel in accordance with this Act at such sitting shall be deemed to be lawfully and validly tried, notwithstanding that before ordering such trial another Jurors' Book for such district has come into force;
- (b) for the trial of the issue in any action, the issue in such action when tried before a jury constituted from such panel in accordance with this Act shall be deemed to be lawfully and validly tried notwithstanding that before ordering such trial another Jurors' Book has come into force.

PART III

Summoning of Jurors

14. The writ of *venire facias* is hereby abolished.

15.—(1) The Registrar shall, not less than ten days before the first day of a sitting of the court in its criminal jurisdiction, strike and make out from the Jurors' Book for the time being in force a panel of common jurors to serve at that sitting and shall set forth thereon the number, full Christian names and surname, occupation and residence of every juror on the panel as those particulars appear in the Jurors' Book.

Writ of *venire facias*.

Striking jury panel.

(2) For the purposes of a sitting of the court in its criminal jurisdiction, the panel of common jurors shall be struck and made out as follows,

18 of 1998.

- (a) for a sitting at Belize City, from the jurors whose names appear in the Belize Administrative District Division of the list of common jurors;
- (b) for a sitting at Belmopan or San Igancio, from the jurors whose names appear in the Cayo Administrative District Division of the list of common jurors;
- (c) for a sitting at Dangriga, from the jurors whose names appear in the Stann Creek Administrative District Division of the list of common jurors;
- (d) for a sitting at Punta Gorda, from the jurors whose names appear in the Toledo Administrative District Division of the list of common jurors;
- (e) for a sitting at Corozal Town or Orange Walk Town, from the jurors whose names appear in the Corozal Administrative District Division and Orange Walk Administrative District Division of the list of common jurors.

(3) The Chief Justice shall direct what number of jurors shall be included in that panel and rules of court may prescribe the manner in which panels shall be struck and made out.

(4) The number of women appearing on any panel of jurors shall be in the same proportions, or as near as may be, to the number of men appearing thereon as the total number of women is to the total number of men in the Jurors' Book from which the panel is struck.

(5) A husband and wife shall not be summoned to serve on the same panel.

(6) When two or more jurors at or belonging to any bank, counting-house, mercantile establishment, store or shop are liable to be summoned for service at the same sitting of the court, the Registrar shall include on the panel one only of those jurors for every five at or belonging to the bank or other establishment or place aforesaid and the other or others of them, if any, shall be liable to be summoned as jurors in the same manner at the next subsequent sitting of the court for the same district.

(7) The Registrar shall exhibit a copy of the panel so struck and made out at the main door of the Registry for seven days at the least before the first day of the sitting to which the panel relates.

(8) Every such panel shall, after the close of each such sitting, be filed in the Registry.

16.—(1) If the Crown, or a person against whom an indictment is filed, desires to have the issue tried with a special jury, it or he shall, upon at least two days' notice given to the opposite party, apply to the court by summons in chambers for an order directing that the issue between the Crown and the accused be tried with a special jury or a specially qualified jury, as the case may be, and if the court is of the opinion that having regard to the nature or complexity of the issue, that issue ought to be so tried, it shall direct the Registrar to strike and make out a panel of special jurors or specially qualified jurors, as the case may be, from the Jurors' Book for the time being in force, consisting of such number of jurors as may be specified in the order, for the trial of the issue arising on that indictment.

(2) Where the court orders the issue to be tried with a specially qualified jury, the panel of jurors shall be struck from the names appearing in the list prepared or kept under section 9(1)(b)(iv) of this Act, and the words "specially qualified jury" or "specially qualified jurors" shall be deemed to be included in the expression "special jury" or "special jurors" wherever occurring.

(3) Section 15 (2) of this Act, shall apply *mutatis mutandis* in relation to the striking and making out of a panel of special jurors under this section.

Trial of issue on indictment by special jury.
18 of 1998.

(4) The Registrar shall strike and make out the panel of special jurors and shall set forth thereon the number, full christian names and surname, occupation and residence of each juror on the panel as those particulars appear in the Jurors' Book.

(5) Every such panel shall, after the close of the sitting, be filed in the Registry.

(6) This section shall not apply where a trial is conducted without a jury under the provisions of section 65A or section 65B of the Indictable Procedure Act, Cap. 96.

6 of 2011.

17.—(1) The Registrar shall, not less than seven days before the first day of every sitting of the court in its criminal jurisdiction, summon, in the form of the Third Schedule, every juror whose name appears on any jury panel to be and appear at the sitting of the court to which the panel relates,

Summoning
jurors on panel.

Provided that the Registrar shall summon the jurors on a panel struck and made out pursuant to an order of court directing the trial of an issue between the Crown and an accused person with a special jury immediately after the striking and making out of that panel, to be and appear at that trial to which that panel relates.

(2) If any of the persons on any panel dies, or is too ill to travel, or cannot be found for service, other jurors shall be drawn in like manner until the panel is completed and the proper number of jurors summoned.

(3) A summons to attend the court shall be served on a juror either by delivering it to him personally or by leaving it with some adult member of his family or household at his residence or most usual place of abode, with an explanation of its nature and purport.

(4) Every juror summoned pursuant to this section shall be liable to serve in both civil and criminal causes.

42 of 1999.

(5) Without prejudice to the manner of serving process provided for by section 72 of the Supreme Court of Judicature Act, Cap. 91, any member of the police department may serve summonses on jurors, and at the request of the Registrar, the Commissioner of Police or the person for the time being in charge of any police station shall direct any police officer to serve any summons upon a juror.

Discretion as to service of summons in certain cases.

18. Notwithstanding anything contained in this Act, where any person charged with the duty of serving summons under this Act is satisfied that any woman on whom a juror's summons is to be served has residing with her any child of hers who has not attained the age of twelve years or that any woman on whom such a summons is to be served is pregnant, he may, without service of the summons, indorse the fact thereon and return the summons unserved to the Registrar.

Regulating jury service.

19.—(1) No person shall be summoned to serve on any jury more than once in the same year, unless all other jurors in the Jurors' Book have already served for that year.

(2) No person shall be exempted from service as a common juror by reason of his being on any special jurors' list.

(3) For the purposes of this section "year" shall mean the period between 1st January and the 31st December.

Expenses of jurors in criminal cases.

20.—(1) No juror whose name appears on the panel of jurors prepared under section 15, shall be entitled to have or receive any remuneration for his service, but in every case where a juror has travelled more than three miles to attend the court he shall be entitled to be reimbursed the amount, if any, actually and reasonably incurred and paid in travelling to and from the court, and in board and lodging while attending the court, not exceeding thirty cents a mile one way for travelling expenses, and four dollars a day for subsistence allowance, but the court may for any cause it thinks fit, disallow the expenses and subsistence which any juror is entitled to receive.

(2) Notwithstanding anything contained in this section the court may, if it appears to its satisfaction upon oath that in any particular case the

allowance to any juror is insufficient to cover the actual expenses of his attendance at the court, or that, although he may not have travelled more than three miles, he has been obliged to incur expense in attending the court, make such special order for further or other allowance to be paid as the court may think fit.

(3) Where the Chief Justice under section 42 of the Supreme Court of Judicature Act, Cap. 91 has directed that the business before the court at any sitting of the court in the Central District in the exercise of its criminal jurisdiction shall be disposed of before two courts, the Registrar shall, before that sitting of the court and subject to the directions of a judge, divide the panel of jurors struck by him for such sitting as nearly as may be into two equal parts and shall make a separate list for each of the two courts.

(4) In making such division the Registrar shall in the presence of a judge, draw from a box containing the names of all the jurors appearing on the panel, one by one, half the names in the box as nearly as may be and such half so drawn shall constitute the panel for the First Court, and the names remaining in the box shall constitute the panel for the Second Court,

Provided that, without prejudice to section 27 of this Act, at any time when the First Court and the Second Court are both sitting one or more jurors on the panel in either court may, by order of the judge of such court, be transferred to serve in the other court and his or their names shall be placed on the panel of jurors to serve in such other court.

PART IV

Empanelling the Jury at Trials

21.-(1) For the trial of the issue in every criminal cause in which the accused person is arraigned for an offence punishable with death, the jury shall consist of twelve persons and the verdict of that jury shall be unanimous, nevertheless on an indictment for murder that jury may, on or after the expiration of four hours from the time when it retired to

Number of jurors
in criminal cases.

consider its verdict, return a verdict of manslaughter if it considers that crime proved, whenever it is agreed in the proportion of eleven to one or ten to two, and that verdict when so delivered shall have the same effect as if the whole jury had concurred therein.

(2) For the trial of the issue in every criminal cause in which the accused person is arraigned for an offence not punishable with death, the jury shall consist of nine persons and that jury may, on or after the expiration of two hours from the time when it retired to consider its verdict, return a verdict whenever it is agreed in the proportion of eight to one or seven to two, and that verdict when so delivered shall have the same effect as if the whole jury had concurred therein.

(3) Notwithstanding anything contained in this section, it shall be lawful for the judge presiding over the trial of any criminal cause in which the accused person is arraigned for an offence not punishable with death, to direct, whenever in his opinion such a course would serve the ends of justice, that the cause be tried by a jury consisting of twelve persons, and that jury may, on or after the expiration of two hours from the time when it retired to consider its verdict, return a verdict whenever it is agreed in the proportion of eleven to one or ten to two, and that verdict when so delivered shall have the same effect as if the whole jury had concurred therein.

6 of 2011.

(4) This section shall not apply where a trial is conducted without a jury under the provisions of section 65A or section 65B of the Indictable Procedural Act, Cap. 96.

Alien not entitled to jury *de medietate linguae*.

22. No alien shall be entitled to be tried with a jury *de medietate linguae*, but every alien shall be triable in the same manner as if he were a natural born citizen of Belize.

Peremptory challenges.

23.—(1) Every accused person shall be entitled to challenge as they are called,

- (a) on a charge of treason, nine jurors; and
- (b) on any other charge, five jurors, without stating the ground of his challenge.

(2) Before the Registrar commences to empanel the jury for trial of the issue in any criminal cause he shall inform the accused person of his right of challenge and that if he desires thus to challenge any juror he must do so before the juror is sworn and not afterwards.

(3) The Crown shall have the right to demand, without stating any cause, that any juror called upon to sit at a trial should stand aside but that juror may, notwithstanding such demand, be again called to sit on the jury if the panel has been exhausted after the first call on him to take his place.

(4) A judge before whom a case is or may be heard may, in his discretion, on an application made by or on behalf of the parties (including in criminal cases the prosecution and the accused) or any of them, or at his own instance, make an order that the jury shall be composed of men only or of women only as the case may require, or may, on an application made by a woman to be exempted from service on a jury in respect of any case by reason of the nature of the evidence or of the issues to be tried, grant such exemption.

24.—(1) If the Crown or any accused person desires to challenge any juror for cause he shall state his cause for so objecting, and every such objection shall be decided in a summary manner by the judge whose decision thereon shall be final.

Challenges for cause.

- (2) The causes for which an accused person may challenge a juror are,
- (a) the conviction of the juror, within the five years immediately preceding the trial for which the jury is being empanelled, of any offence or offences punishable with a sentence or accumulated sentences of imprisonment exceeding six months, he not having received a free pardon thereof;
 - (b) the employment of the juror in any police function;
 - (c) the relationship of the juror as husband, master, servant, landlord or tenant, to the person alleged to

be injured or attempted to be injured by the offence charged or to the person on whose complaint the prosecution was instituted;

- (d) the employment of the juror by the person on whose complaint the prosecution was instituted or by his or her wife or husband;
- (e) the fact that the juror is or was the plaintiff or defendant in any civil cause in which the accused person or his or her wife or husband is or was a party;
- (f) the fact that the juror is or was a complainant or a defendant in a criminal cause in which the accused person, or his or her wife or husband, is or was a party; or
- (g) any circumstance which in the opinion of the court is likely to cause prejudice against the accused person or which renders a person improper as a juror.

(3) If any such objection is allowed, another juror shall be called in his place and the proceedings shall continue in like manner as regards every other juror called until the proper number is drawn and approved as indifferent.

Mode of empanel-
ling the jury.

25.—(1) When any issue between the Crown and an accused person is to be tried, the Registrar shall ballot for the jury by placing in a box as many ballot papers or balls as there are jurors on the panel from which the jury is to be chosen, marked with the jurors' numbers appearing on the panel and, after shaking the box in open court, drawing them out of the box one after another to the number required to constitute a jury and calling out the number thereon and the name of the juror ascertained from the panel as and when each ballot paper or ball is drawn.

(2) If any juror whose name is called does not appear, or is challenged by the accused or made to stand aside on the demand of the Crown, another ballot paper or ball shall be drawn from the ballot box and the

balloting be continued in like manner until the proper number of jurors is drawn and appears.

(3) After the proper number of jurors has been drawn and approved as indifferent, their names shall be marked on the panel, and upon their being sworn they shall be the jury for the trial of the issue.

(4) The ballot papers or balls containing the numbers of the jurors so drawn and sworn shall be kept apart until the jury has delivered its verdict, and the verdict has been recorded, or until the jury has otherwise been discharged, and shall then be returned to the box and mixed with the other ballot papers or balls then remaining undrawn, and so as often and as long as any issue remains to be tried.

(5) If any issue comes on to be tried before the jury in any other issue has brought in its verdict or has been discharged, the Registrar shall ballot for the new jury, in manner aforesaid, from the residue of ballot papers or balls then in the box for the trial of the issue so coming on to be tried.

26. When the jurors have been duly sworn, the Registrar shall request them to elect one of their number to be their foreman and they shall thereupon proceed to do so. If the majority of the jury do not, within such time as the judge may think reasonable, agree in the appointment of a foreman, the judge shall appoint as foreman the first juror called who has not been challenged.

Election of foreman.

27.—(1) Where a cause appointed to be tried with a common or a special jury is called on and by reason of some of the persons summoned to attend the court as jurors not appearing or of the number of those appearing being reduced by successful challenge or other cause, there is or appears likely to be an insufficient number of jurors for the trial of such cause the court may require the Registrar,

Talesmen.

- (a) forthwith to add and annex to the existing panel any persons present in court whose names appear in any Jurors' Book for the time being in force; or

- (b) to strike and make out a new or enlarged panel of common or special jurors, as the case may be, containing such number of jurors as the court shall direct, and to summon such jurors to attend on such day and at such hour as the court shall appoint.

(2) Where a cause appointed to be tried with a common or special jury is called on and none of the persons summoned to attend the court as jurors appear, then, if it is desired to proceed forthwith with the trial of such cause, the court shall order the Registrar forthwith to strike and make out a new panel of common or special jurors, as the case may be, containing such number of jurors as the court shall direct and to summon such jurors to attend on such day and at such hour as the Court shall appoint.

PART V

Juries in Civil Causes

Trial of action by jury.

28. Subject to this or any other Act and to rules of court, an action which may be tried in England with a jury may likewise be tried in this country with a jury on the application of a party thereto, and the court shall, if it is of opinion that the action ought to be so tried, direct whether it shall be tried with a common jury or a special jury.

Striking jury panel for trial of issue in an action.

29. When the issue in any action is ordered to be tried with a jury, the Registrar shall, at least seven days before the commencement of the trial, strike and make out from the Jurors' Book for the time being in force a panel consisting of such number of common jurors or special jurors as the court may direct.

Number of jurors for trial of issue in an action.

30. For the trial of the issue in any action, the jury shall consist of nine persons and that jury may, on or after the expiration of two hours from the time when it retired to consider its verdict, return a verdict whenever it is agreed in the proportion of eight to one or seven to two, and that verdict when so delivered shall have the same effect as if the whole jury had concurred therein.

31. The provisions of this Act relating to summoning, challenging, balloting for, swearing in and otherwise empanelling the jury in a criminal cause shall apply to, and have effect in, a civil cause.

Provisions relating to criminal cases to have effect.

32. In any action, the jurors shall be entitled to be paid,

Remuneration for jurors in trial of issue in an action.

(a) when the issue has been tried with a special jury, the sum of five dollars a day; and

(b) when the issue has been tried with a common jury, the sum of three dollars a day,

and such reasonable travelling expenses as they may necessarily have incurred in attending the court.

33. The party upon whose application the court directs the trial of an action with a jury shall, at least four days before the date fixed for the commencement of the trial, deposit with the Registrar, if required by him to do so, a sum of money sufficient for the remuneration to the jury for one day at least and shall likewise either deposit with the Registrar, if so required, such an amount as in the opinion of the Registrar will be sufficient to pay the daily remuneration during the further continuance of the trial or enter into security to his satisfaction for the punctual payment of such further remuneration.

Deposit of jurors' remuneration.

PART VI

Miscellaneous

34. The judge presiding over a trial in a criminal cause may, whenever he thinks proper and at any stage of the proceedings before verdict, discharge the jury and swear a fresh jury for the trial of the issue in the cause.

Power of Judge to discharge jury.

Discharge of jury
in special cases.

35.–(1) The court may, in its discretion, in case of any emergency or casualty rendering it in its opinion expedient for the ends of justice to do so, discharge the jury without its giving a verdict, and direct a new jury to be empanelled during the same sitting of the court, or may postpone the trial on such terms as justice may require.

(2) If the judge becomes incapable of trying the cause or directing the jury to be discharged, the Registrar shall discharge the jury.

(3) If, during the trial of the issue in any civil cause or any criminal cause in which the accused person is arraigned for an offence not punishable with death, one juror happens to die or becomes incapable of acting or absents himself, it shall not be necessary to discharge the jury or to add another juror thereunto, but the trial shall be proceeded with notwithstanding such death, incapacity or absence.

(4) If two or more of the jurors, before they begin to consider their verdict, die or become incapable of acting or absent themselves, the court may,

- (a) discharge the jury and direct a new jury to be empanelled during the same sitting of the court;
- (b) postpone the trial; or
- (c) in its discretion and with the consent of counsel for the Crown and of the accused person, in any case other than that of a capital offence, proceed with the remaining jurors and take their verdict, which shall have the same effect as the verdict of the whole number.

(5) In the case of an offence not punishable with death, the jury shall not be capable of giving a verdict where its number is reduced below seven or ten according as the case was being tried by a jury of nine or twelve jurors.

36.—(1) Where during the trial of any civil cause or any criminal cause in which the accused has been arraigned for an offence not punishable with death one juror dies or becomes incapable of acting or absents himself the remaining jurors may return a verdict, after the period specified in section 21 of this Act, of seven to one or ten to one depending on the number of jurors that have been empanelled, and such verdict when so delivered shall have effect as if the whole jury had concurred therein.

Majority verdict where panel reduced.

(2) Where during the trial of any civil cause or any criminal cause in which the accused has been arraigned with an offence not punishable with death the number of the jury has been reduced to ten or seven, depending on the number of jurors that have been empanelled, and the court has in accordance with section 35 (4) of this Act proceeded with the remaining jurors, the verdict shall be unanimous.

(3) This section shall not apply where a trial is conducted without a jury under the provisions of section 65.01 or section 65.02 of the Indictable Procedure Act, Cap. 96.

6 of 2011.

37.—(1) A judge may, upon application made on oath showing sufficient cause, exempt a juror from attendance during the whole or any part of a sitting of the court.

Court may exempt juror from attendance.

(2) A judge shall, upon application made on oath, exempt a woman juror from the whole of a sitting of the court who satisfies him that she has residing with her any child of hers who has not attained the age of twelve years.

38. If from any cause the trial of any issue proves abortive, the court may cause a new jury to be empanelled, sworn and charged with the case, and the trial shall proceed as if the first jury had not been empanelled.

On abortive trial new jury may be called.

39.—(1) Whenever it appears to the court that the trial of any person charged with any indictable offence cannot be concluded in one day, or that justice cannot be done if the court proceeds without intermission upon the trial, the court may, without calling upon the accused person to consent, adjourn the trial and permit the jurors to depart from the court during such or any subsequent adjournment.

Jurors may depart on taking oath.

(2) It shall not be necessary on the trial of a cause for a crime punishable with death to keep the jury together during any adjournment prior to the close of the judge's summing-up, but the court may, if it appears to it to be advisable in the interests of justice, require the jury to be kept together during any adjournment.

(3) During such time as the jurors empanelled to try a cause are kept together they shall be provided with food and lodging at the public expense.

(4) Whenever the jurors empanelled to try a cause shall have leave to separate during any adjournment of the trial, they shall, together in open court, take the following oath,

“We swear that during any adjournment of the trial of the issue joined between our Sovereign Lady the Queen and the prisoner at the Bar [or A.B. (naming the defendant), as the case may be] which we are empanelled and sworn to try, we shall not, whilst separated or until we shall be assembled again in court, speak with or listen to or receive or hold any communication with any person whatsoever, other than our fellows empanelled with us, touching the said issue, or any matter relative to the trial thereof, and that upon the termination of every adjournment thereof and until we are discharged we shall again come into and remain in this court. So help us God.”

40.—(1) Notwithstanding anything contained in section 39, where during the trial of any person charged with an indictable offence it is requisite that legal argument (including oral testimony where such testimony is necessary to enable the trial judge to decide whether certain evidence is admissible) should be heard in the absence of the jurors the trial judge may, if he thinks fit, in lieu of directing the jurors to retire to the jury room whilst such argument is being heard, direct them, on taking the oath prescribed in subsection (4) of this section, to leave the court and not to return thereto until such time as he may name.

(2) For the purposes of subsection (1) of this section, the expression “court” includes any place from which the proceedings in the court may be heard.

Release of jurors during legal argument to be heard in absence of jurors.

(3) Notwithstanding that the jurors have been directed to leave the court under subsection (1) of this section, the trial judge shall whilst such jurors are absent from the court in accordance with his direction, be deemed to be sitting with a jury for the purposes of section 22 of the Supreme Court of Judicature Act, Cap. 91.

(4) Whenever the jurors empanelled to try a cause are directed to leave the court by the trial judge under subsection (1) of this section, they shall, together in open court, take the following oath,

“We swear that during the time we are directed to leave the court during the trial of the issue joined between Our Sovereign Lady Queen and the prisoner at the Bar [or A.B. (naming the defendant) as the case may be] which we are empanelled and sworn to try we shall not whilst we are separated or until we be assembled again in court, speak with or listen to or receive or hold any communication with any person whatsoever, other than our fellows empanelled with us, touching the said issue or any matter relative to the trial thereof, nor shall we come into court, or to any place from which the proceedings in the court might be heard, and that upon the termination of the time for which we are directed to leave the court and until we are discharged we shall again come into and remain in court. So help us God.”

(5) When the jurors have been directed to return to the court, they shall at the time named return into the jurors room until called into open court by order of the trial judge.

(6) When jurors have returned to court as directed the trial judge may, if legal argument is still being heard, call the jurors into open court and again direct to the jurors to leave the court and subsections (1) to (5) of this section shall apply.

41.-(1) Every juror who refuses to take the oath specified in section 39 (4) or section 40 (4) of this Act, as the case may be, shall be detained and by order of the judge kept in custody at any of Her Majesty’s prisons by the keeper thereof who shall be sworn in the usual manner neither himself to speak to or hold any communication with the juror touching any matter relative to the issue wherewith he is charged at the trial thereof nor to allow any other person to do so.

Juror objecting to be sworn may be detained.

(2) All other jurors who have taken the oath specified in either section 39(4) or section 40 (4) of this Act, as the case may be, shall be allowed to separate accordingly.

Refreshment to jurors.

42.—(1) During such time as the jury in a criminal cause may be absent from the court for the purpose of considering its verdict, the judge presiding over the trial may authorise the Registrar to provide, at the public expense, such light refreshment as may seem to him necessary.

(2) During the deliberation of the jury in any civil cause, similar refreshment may, with the approval of the judge, be provided at the expense of any juror.

View of *locus in quo*, etc.

43. When a view of the *locus in quo* or of any other matter or thing shall be considered necessary by the court, the jury sworn to try the case shall make the view under the charge of the Registrar or other person to be appointed, and if necessary of a shewer or shewers, and the trial may be postponed to any other day during the same sitting, and in the meantime other cases may be disposed of.

Partiality of Registrar and effect of irregularity on trial.

44.—(1) If the Registrar in any way acts partially in regulating any Jurors' Book or in selecting and summoning any jurors, he shall be guilty of an offence and on conviction on indictment be liable to a fine not exceeding one thousand dollars.

(2) No trial shall be rendered invalid, or the verdict therein be liable to be challenged, by reason only that there has been any irregularity in the preparation of any jury list or improper conduct on the part of any person discharging any duty with respect thereto prior to the empanelling of the jury to try the case, if the panel of jurors was struck from a Jurors' Book purporting to have been prepared under and in accordance with this Act.

Corruption of juror or juror misbehaving.

45.—(1) Every person who,

- (a) corruptly influences or attempts to influence any juror in the performance of his functions as a juror in any cause before the court; or

- (b) corruptly interferes with the trial of any cause before the court,

shall be guilty of an offence and on conviction on indictment be liable to imprisonment for a term not exceeding three years.

(2) Every juror who yields to any corrupt influence or is guilty of any improper behaviour in connection with the performance of his functions as a juror shall be guilty of an offence and on conviction on indictment be liable to imprisonment for a term not exceeding three years.

46.—(1) Every person who,

Penalty on juror not answering summons, etc.

- (a) being a juror duly summoned to attend any sitting of the court, fails to attend, or being present in court fails to answer to his name after having been thrice called or refuses to serve or be sworn or wilfully withdraws himself from the presence of the court; or
- (b) being a person present in court whose name is in the Jurors' Book, on being called upon by the Registrar with the authority of the court to serve on a jury, refuses to serve or be sworn or wilfully withdraws himself from the presence of the court,

shall, unless he gives a satisfactory explanation to the Court, be liable to be fined by the presiding judge a sum not exceeding one hundred dollars.

(2) In case the court imposes a fine on a juror for not having attended in obedience to his summons, it may remit the fine if that juror discloses upon oath, during the sitting of the court or within fourteen days after the termination thereof, such cause for his non-attendance as to the court appears to be sufficient.

47. Every person who fails to pay any fine imposed on him under this Act shall be liable to be imprisoned for a term not exceeding twelve months.

Penalty for failure to pay fine.

Rules of court.

48. Rules of the court may be made,

- (a) prescribing the manner in which panels are to be struck and made out and jurors summoned;
- (b) exempting from attendance as jurors any women who are for medical reasons unfit to attend;
- (c) as to the procedure to be adopted in any application under section 23 (4) of this Act;
- (d) exempting from services as jurors certain persons employed in the public service.

10 of 2003.

Obstruction of jury service.

49.—(1) An employee who has been summoned for jury service, shall, forthwith upon receipt of the summons, inform his employer that the employee has been summoned for jury service.

10 of 2003.

(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 any pay or other remuneration of an employee; or
- (b) otherwise penalize the employee,

by reason of the employee's absence from work on jury service.

(4) Where an employee is absent from his employment for jury service, the employer shall be deemed to have made a deduction from the employee's pay, if the employer does not pay the employee the amount that the employee would have earned but for his absence.

(5) Where the name of a juror is not drawn, or, if drawn 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.

(6) An employer who contravenes this section commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months.

(7) Where an employer who is a body corporate contravenes this section every director or manager of such body corporate who knew or ought to have known of the contravention commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months.

(8) It is a defence to a charge under subsection (6) or (7) of this section for an accused to prove that the employee was excused pursuant to subsection (5) of this section but did not return to his place of employment.

(9) A certificate given by the Registrar that a juror named therein was or was not excused pursuant to subsection (5) of this section is conclusive of the fact stated therein.

(10) 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 and where a juror is excused from jury service pursuant to subsection (5) of this section the Judge shall inform the juror of his obligation to his employer.

FIRST SCHEDULE

JURIES ACT

Jury List

[Section 9 (1)]

List of persons qualified and liable to serve as common (or special) jurors in the District for the year 20----- .

Juror's name Surname Full Christian names	Residence	Profession, calling or occupation	Nature of qualification	Situation of real property and nature of interest	Remarks

(Signature).

Proper Officer,

(Address)

(Description)

I, A. B., hereby declare that the above list contains, to the best of my knowledge, information and belief, the names of all persons within the

District who are qualified and liable to serve as common (or special) jurors according to the provisions of the Juries Act.

DECLARED this day of 20 .

(Signature)

SECOND SCHEDULE**JURIES ACT****Notice of Revision of Jury Lists***[Section 9 (6)]*

NOTICE is hereby given that the Revising Officer will sit, pursuant to subsection (1) of section 10 of the Juries Act, at the _____ on the _____ day of _____ 20____, at _____ o'clock in the _____ noon for the purpose of revising the jury lists published herewith and of hearing all objections thereto.

Attention is called to subsection (1) and subsection (6) with the proviso thereto of section 10 of the said Act.

DATED the _____ day of _____ 20____.

Proper Officer.

THIRD SCHEDULE
 JURIES ACT
 Summons to Juror
[Section 17 (1)]

TO

You are hereby summoned to attend as a juror at the Supreme Court to be held at the Court House at _____ on _____ the day of _____ next at _____ o'clock in the forenoon and therein to attend from day to day until you are discharged.

DATED the _____ day of _____ 20 ____ .

(Signed) A.B. or C.D.,
 Registrar of the Supreme Court
 or
 Deputy Registrar, Northern District/
 Southern District.