

A BILL

entitled

JURORS AMENDMENT ACT 2010

WHEREAS it is expedient to amend the Jurors Act 1971 so as to increase the number of persons eligible for jury service, and to amend the Administration of Justice (Contempt of Court) Act 1979 so as to make it a specific contempt of court to breach the confidentiality of jury deliberations;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Jurors Amendment Act 2010.

Amends section 3

2 In section 3(1)(a) of the Jurors Act 1971 (upper age limit for jurors), delete "65 years" and substitute "70 years".

Amends Part I of the First Schedule

3 Part I of the First Schedule to the Jurors Act 1971 (persons exempted from jury service), is amended as follows—

- (a) in the entry relating to members of the Bermuda Police Service, delete ", and former members";
- (b) in the entry relating to prison officers, delete ", former prison officers";
- (c) delete the entry "Ministers of religion.";

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- (d) in the entry relating to barristers and attorneys—
 - (i) delete “and persons employed in an executive capacity in a firm of barristers and attorneys”; and
 - (ii) substitute “who regularly practise criminal law”;
- (e) in the entry relating to medical, dental and veterinary practitioners, delete “Medical, dental and veterinary” and substitute “Medical and dental”;
- (f) delete the entry “Justices of the Peace.”;
- (g) in the entry relating to spouses of certain persons, delete “Barristers and attorneys admitted to practise in the Supreme Court, Members of the Bermuda Police Service and Prison officers”;
- (h) in the entry relating to members of the Bermuda Reserve Police, delete “and former members”;
- (i) at the end insert the following entry—

“Former members of the Bermuda Police Service and Bermuda Reserve Police, until the fifth anniversary of their leaving the Service.

Former prison officers, and persons formerly engaged in the administration of other places in which persons may lawfully be detained, until the fifth anniversary of their leaving employment as such.”

Amends Administration of Justice (Contempt of Court) Act 1979

4 After section 5 of the Administration of Justice (Contempt of Court) Act 1979 insert—

“Confidentiality of jury’s deliberations

5A (1) Subject to subsection (2), it is a contempt of court to obtain, disclose or solicit any particulars of statements made, opinions expressed, arguments advanced or votes cast by members of a jury in the course of their deliberations in any judicial proceedings.

(2) This section does not apply to any disclosure of any particulars—

- (a) in the proceedings in question for the purpose of enabling the jury to arrive at their verdict, or in connection with the delivery of that verdict; or
- (b) in evidence in any subsequent proceedings for an offence alleged to have been committed in relation to the jury in the first mentioned proceedings, or to the publication of any particulars so disclosed.

(3) Proceedings for a contempt of court under this section shall not be instituted except by or with the consent of the Director of Public Prosecutions or on the motion of a court having jurisdiction to deal with it.”

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EXPLANATORY MEMORANDUM

This Bill seeks to make amendments to the Jurors Act 1971 so as to increase the number of persons eligible for jury service, and to the Administration of Justice (Contempt of Court) Act 1979 so as to make it a specific contempt of court to breach the confidentiality of jury deliberations.

Clause 1 is self-explanatory.

Clause 2 amends section 3(1)(a) of the Jurors Act 1971 so as to increase the upper age limit of jurors from 65 years to 70 years.

Clause 3 amends Part I of the First Schedule to the Jurors Act 1971 so as to remove some of the categories of person who were previously exempt from jury service. The categories who will no longer be exempt are: former members of the Bermuda Police Service, former members of the Bermuda Reserve Police and former prison officers, who will now only be exempt for 5 years after leaving their employment as such; Ministers of religion; veterinary practitioners; persons employed in an executive capacity in a firm of barristers and attorneys; barristers and attorneys who do not regularly practise criminal law; Justices of the Peace; spouses of barristers and attorneys; spouses of police and prison officers.

Clause 4 inserts new section 5A into the Administration of Justice (Contempt of Court) Act 1979 so as to make it a specific contempt of court to obtain, disclose or solicit any particulars of statements made, opinions expressed, arguments advanced or votes cast by members of a jury in the course of their deliberations in any judicial proceedings.