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## JURY ACT 1980

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# C i e

## JURY ACT 1980

*Received Royal Assent:* 24 June 1980  
*Passed:* 21 October 1980  
*Commenced:* 1 January 1981

**AN ACT** to revise the law relating to juries.

### 1 Qualification of jurors

- (1) Subject to the provisions of this Act, every person who —
- (a) is for the time being registered as a person entitled to vote in an election and is not less than 18 nor more than 75 years of age; and<sup>1</sup>
  - (b) has been ordinarily resident in the British Islands for any period of at least five years since attaining the age of 13,<sup>2</sup>

shall, unless he is for the time being ineligible or disqualified for jury service, be qualified to serve on juries for the trial of all issues joined in any of ~~Her Majesty's~~ **His Majesty's** Courts, both civil and criminal, and on all juries required by the laws of this Isle.

- (2) It is hereby declared that the period of time that a person has had his usual place of abode in the Island in order that he may be registered as a person entitled to vote at an election by virtue of section 4 of the *Registration of Electors Act 2020* shall be included in any computation of time required by virtue of paragraph (b) of subsection (1).<sup>3</sup>

### 2 Exempted or disqualified persons

- (1) The persons who are exempted or, as the case may be, disqualified from jury service as referred to in section 1 are those respectively listed in Parts I and II of Schedule 1.
- (2) The Council of Ministers may by order amend, vary or repeal any of the provisions contained in Schedule 1.<sup>4</sup>
- (3) No order made under this section shall take effect until it has been approved by Tynwald.

**3 [Repealed]<sup>5</sup>****4 [Repealed]<sup>6</sup>****5 Revision of lists**

- (1) Not later than the 30th June in each year or such other day or days in each year as may be prescribed, the Chief Registrar shall give notice to every person who has made an objection under section 20(1)(b)(i) of the *Registration of Electors Act 2020* in respect of a list of electors prepared in that year, requiring that person within 7 days of service of the notice —
  - (a) to make, if the objector so wishes, written representations in support of their objection; and
  - (b) to state in writing whether or not the objector wishes to make oral representations to the Clerk of the Rolls.<sup>7</sup>
- (2) If any such objector within the said period of 7 days states that they wish to make oral representations, the Chief Registrar shall give that person notice of the time and place at which the objector may appear before the Clerk of the Rolls for that purpose.
- (3) The Clerk of the Rolls shall, not later than the 15th August in each year or such other day or days in each year as may be prescribed, following the giving of notice under subsection (1), consider every objection made under the said section 20(1)(b)(i) and any written representations made in support thereof, and hear in chambers any oral representations made pursuant to subsection (2), and —
  - (a) if the Clerk of the Rolls is satisfied that the objector is ineligible or disqualified for jury service, the Clerk of the Rolls shall delete such name from the list of jurors; or
  - (b) if the Clerk of the Rolls is satisfied that the objector's attendance as a juror will cause exceptional hardship by reason of his business, professional or family responsibilities and interests, the Clerk of the Rolls may order that the objector be exempted from jury service for such period, not exceeding 3 years, as the Clerk of the Rolls considers appropriate, either unconditionally or subject to conditions, and shall make a minute of such order opposite the objector's name in the list of jurors.<sup>8</sup>
- (4) The Clerk of the Rolls may, not later than 22nd August in each year, or not later than 7 days after such other day or days as may have been prescribed under subsection (3), make such corrections to the lists of jurors as appear appropriate to ensure that the lists are, as far as possible, completed in accordance with this Act.
- (5) The lists of jurors, revised and corrected in accordance with subsections (3) and (4) if required, shall be the lists of persons liable to be summoned for

jury service for the year beginning on the 1st September next following, or such other day or days as may be prescribed.

- (6) In this section “list of jurors” means a list prepared under section 22(3)(a) of the *Registration of Electors Act 2020* in the year in question.<sup>9</sup>
- (7) The Clerk of the Rolls may direct that any of the functions of the Clerk of the Rolls under this section shall, in any particular case, be exercised by a Deemster.
- (8) In this section, “prescribed” means prescribed by order made by the Clerk of the Rolls after consultation with the Council of Ministers.
- (9) An order under this section shall be laid before Tynwald.<sup>10</sup>

## **6 Delivery of lists of jurors**

The Chief Registrar shall deliver or cause to be delivered to the Coroner of each Sheading on or before the first day of September in each year, or such other day or days prescribed under section 5(5), a copy of the new list of jurors for the Sheading.<sup>11</sup>

## **7 Commencement of lists of jurors**

Each new list of jurors shall be considered as commencing at the place left off on the preceding list and all notes or minutes as to any juror who may be exempted from service shall be entered on the new list by the Coroner.<sup>12</sup>

## **8 Delivery of lists of jurors to succeeding Coroner**

Upon the retirement or death of a Coroner, the retiring Coroner or his personal representative, as the case may be, shall deliver to his successor the current copy of the list of jurors, there being distinctly marked on such list the place where such retiring or deceased Coroner left off and all other notes as to any juror who may be excused from service.

## **9 Inspection of lists of jurors**

- (1) The Council of Ministers shall make regulations —
  - (a) requiring the ~~coroner~~ **Coroner** to make copies of the lists of jurors to be available for inspection by the public at such places as may be prescribed;
  - (b) imposing prohibitions or restrictions relating to the extent (if any) to which persons inspecting the lists of electors in accordance with regulations under paragraph (a) may —
    - (i) make copies of the lists,
    - (ii) disclose any information contained in them to other persons, or

- (iii) make use of any such information otherwise than for any purposes specified in the regulations;
  - (c) imposing, in relation to ~~coroners~~ **Coroners** and persons involved in the preparation of the lists of jurors, prohibitions with respect to supplying copies of the lists and disclosing or making use of information contained in them.
- (1A) Regulations under this section may prescribe fees in respect of the supply of copies of the lists and disclosure or use of information contained in the lists of jurors.
- (2) Regulations under this section may make it an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale for a person to contravene any prohibition or restriction imposed under subsection (1) or to do so in any prescribed circumstances.<sup>13</sup>
  - (3) Regulations under this section shall not have effect unless they are approved by Tynwald.
  - (4) In this section —
- any reference to a list of jurors includes a reference to any part of it;
- “prescribed” means prescribed by regulations under this section.<sup>14</sup>

## 10 Jurors to be taken in order name appears on lists

- (1) Subject to subsections (2) to (4), when and as often as jurors are required and shall be ordered by a Deemster, or other person having authority in that behalf, the number of jurors required shall be summoned and returned by the Coroners in the order in which the names appear on the list of jurors.
- (2) The first jury required on and after the first day in September in each year, or such other day or days prescribed under section 5(5), shall be taken from the new list of jurors, beginning at the place in such list where the same shall be considered as commencing.
- (3) The Coroners respectively shall mark on the lists the date when any juror shall be returned to serve on a jury.
- (4) In all subsequent returns the Coroners shall commence with the name immediately after the last in the preceding return and the subsequent names shall be taken in the order in which they are entered on the lists, and so to the end of the lists respectively.
- (5) When the list shall have been gone through to the end, the Coroner shall proceed again, beginning at the commencement of the list, and proceed regularly to the end thereof in accordance with this section.<sup>15</sup>



**11 Summoning in exceptional cases**

[P1974/23/6]

- (1) If it appears to a Deemster that a jury to try any issue before him cannot, or probably will not, be made up he may, if he thinks fit, require any persons who are in, or in the vicinity of, the court, to be summoned by a Coroner (without any written notice) for jury service up to the number needed (after allowing for any who may not be qualified under section 1, and for refusals and challenges) to make up a full jury.
- (2) The names of the persons so summoned shall be added to the panel by the Coroner and the court shall proceed as if those summoned had been included in the first instance.

**12 Excusal of persons summoned as jurors**

- (1) If any person summoned as a juror shows to the satisfaction of the Chief Registrar that there is good reason why he should be excused from service, the Chief Registrar may excuse him from service<sup>16</sup>
- (2) A person may appeal to a Deemster against any refusal of the Chief Registrar to excuse him under subsection (1) and the Deemster may confirm or reverse the refusal.<sup>17</sup>
- (3) Without prejudice to subsections (1) and (2), a Deemster may on application made by any person summoned as a juror, excuse him from service.<sup>18</sup>
- (4) Without prejudice to subsections (2) and (3), an application by a person on the ground that, —
  - (a) he or she is personally undertaking the full-time care of a child under the age of 16,
  - (b) he or she is personally undertaking the full-time care of a person who has a disability within the meaning of the *Equality Act 2010*: see section 7 of and Schedule 1 to that Act; or
  - (c) he or she has attained the age of 71 years,shall be a good and sufficient reason for that person to be excused under subsection (1).<sup>19</sup>

**13 Discharge of summonses in special cases**

- (1) Where it appears to a Deemster in the case of a person attending in pursuance of a summons under this Act that on account of physical or mental disability or insufficient understanding of English there is doubt as to his capacity to act effectively as a juror, the Deemster may discharge the summons and the fact of such discharge but not the reason shall be stated in open court.

- (2) On being satisfied that any person attending in pursuance of a summons under this Act is not qualified by reason of section 1 a Deemster shall discharge the summons.
- (3) The fact of any summons being discharged under this section shall be stated in open court.

#### **14 Jury may be discharged at court's discretion**

- (1) If the Deemster presiding at any court is satisfied that the jury is unable to agree upon their verdict, and that further detention would be useless, he may discharge them and direct a new jury to be empanelled during the sitting of the court, or may postpone the trial on such terms as justice may require, and it shall not be lawful for any other court to review such discharge.
- (2) The Deemster presiding at any court may, in cases of any emergency or casualty rendering it, in his opinion, highly expedient for the ends of justice to do so, discharge the jury without giving a verdict and direct a new jury to be empanelled during the sittings of the court, or postpone the trial on such terms as justice may require and it shall not be lawful for any other court to review the exercise of such discretion.

#### **15 Jury to be allowed refreshments**

Jurors, after having been sworn, may at the discretion of the Deemster be allowed, at any time before giving their verdict, reasonable refreshment, such refreshment to be provided at their own expense.

#### **16 Jury may separate**

During the course of any trial, the Deemster may if he thinks fit at any time, whether before or after the jury consider their verdict, permit them to separate.<sup>20</sup>

#### **17 Excusal for previous jury service**

Where a jury has been engaged in trying a case for a period of at least three days, the Deemster may order that the members of such jury be excused from serving on juries for a specified term, not exceeding three years, and on the order being produced to the Coroner of the sheading on whose list the names of such jurors shall appear, the Coroner shall make a minute thereof opposite the name of such juror on the said list.

#### **18 Trial by jury in civil matters**

Subject as hereinafter provided, if, on the application of any party to an action to be tried in the High Court made not later than such time before the trial as may be limited by rules of court, a Deemster is satisfied that —

- (a) a charge of fraud against that party; or

- (b) a claim in respect of libel, slander, malicious prosecution or false imprisonment;

is in issue, the action shall be ordered to be tried with a jury unless the Deemster is of opinion that the trial thereof requires any prolonged examination of documents or accounts or any scientific or local investigation which cannot be conveniently made with a jury; but, save as aforesaid, any action to be tried in that Court may, in the discretion of a Deemster, be ordered to be tried either with or without a jury.

Provided that the provisions of this section shall be without prejudice to the power of a Deemster to order, in accordance with rules of court, that different questions of fact arising in any action be tried by different modes of trial, and where any such order is made the provision of this section requiring trial with a jury in certain cases shall have effect only as respects questions relating to any such charge or claim as aforesaid.<sup>21</sup>

## **19 Civil juries**

- (1) All trials by jury of issues in the High Court shall be tried by a jury of six persons taken from the list of jurors in accordance with section 10.
- (2) The jury shall return its verdict in writing.<sup>22</sup>

## **20 Trespass juries**

In matters of inquiry by order of a Deemster before a Coroner, the jury shall consist of four persons taken from the list of jurors in accordance with section 10.<sup>23</sup>

## **21 Sittings of civil courts for trial by jury**

Sittings for the trial by jury of civil causes and questions or issues of fact in civil causes shall be held at such times and places as may be fixed by a Deemster:

Provided that the trial by jury of all such causes and questions or issues of fact shall be held at such place as may be ordered by a Deemster, having regard to the circumstances of the case and the convenience of the parties or the witnesses; and that, where a view is ordered the jury shall make such view notwithstanding the same may be beyond the district or sheading from which the jury shall have been taken.

## **22 No civil juries during June to September except by special leave**

No civil cause, matter or issue to be tried with a jury shall be tried during the months of June, July, August and September, except by special leave of a Deemster.

## 23 Death or incapacity etc of jurors during trial of civil matter

If during the course of the trial of a civil cause, matter or issue any member of the jury dies or is discharged by the Deemster, whether as being through illness incapable of continuing to act or for any other reason, the Deemster may either discharge the jury and direct a new jury to be empanelled or postpone the trial or, with the consent of both parties, proceed with the remaining jurors and take their verdict, which shall have the same effect as the verdict of the whole number.

## 24 Number of jurors empanelled in criminal matters

- (1) Any case in which the information includes a count for an offence for which the accused is to be tried by a jury —
  - (a) for which the sentence is fixed by law;
  - (b) [Not commenced],
 is to be tried by a jury of 12 persons.
- (2) If subsection (1) does not apply, an offence triable on information is to be tried by a jury of 7 persons, unless a Deemster is satisfied that because of the gravity of the matters in issue, the offence should be tried by a jury of 12 persons.
- (3) If a Deemster is satisfied as mentioned in subsection (2), he or she may direct that the offence is to be tried by a jury of 12 persons.
- (4) This section is subject to sections 8A to 8C of the *Criminal Jurisdiction Act 1993* (trial by Deemster sitting alone).<sup>24</sup>

## 24A Majority verdicts

P1974/23/17/adapted

- (1) The verdict of a jury in proceedings before a Court of General Gaol Delivery need not be unanimous if —
  - ~~(a) in the case where the jury comprises 11 or 12 jurors, at least 10 of them agree the verdict; and~~
  - ~~(b) in a case where the jury comprises 7 jurors, 6 of them agree the verdict.~~
  - (a) in a case where the jury comprises 11 or 12 jurors, at least 10 of them agree the verdict;
  - (b) in a case where the jury comprises 10 jurors, at least 9 of them agree the verdict;
  - (c) in a case where the jury comprises 9 jurors, all 9 of them agree the verdict;
  - (d) in a case where the jury comprises 6 or 7 jurors, at least 5 of them agree the verdict.

This is subject to subsection (2).

- (2) A Court of General Gaol Delivery must not accept a verdict of guilty by virtue of subsection (1) unless ~~it appears to the court that~~, —
- (a) **it appears to the court that** the jury have had such period of time, being in any case not less than two hours, for deliberation as the Deemster presiding over the court in question thinks reasonable having regard to the nature and complexity of the case; and
  - (b) a member of the jury, in response to a request from the Deemster, has stated the number of jurors who respectively agreed to and dissented from the verdict.<sup>25</sup>

## 25 Summing of jurors for criminal trials

The number of jurors from each sheading to be summoned for a Court of General Gaol Delivery shall be such number as a Deemster may direct:

Provided that in no case shall the total number of jurors so summoned be less than twenty.<sup>26</sup>

## 26 ~~Panel of jurors for criminal trials~~

~~Whenever a jury shall be taken from a panel of jurors comprising those summoned to attend a court for the trial of criminal issues, the names on the panel shall be numbered with consecutive numbers, beginning with the number one; and each of the numbers respectively shall be written or printed on a disc (all of the discs being as nearly as may be of equal size), and the whole of the discs shall be by the Coroner attending the court, or by some other person to be appointed by the Deemster, put into a box to be provided for that purpose, and on a jury being required for the trial of any issue at such court, the said coroner or other person shall, in open court, draw so many of the said discs, one after another, as may be necessary; and the numbers so drawn shall represent the persons on the panel having the like numbers. And if any of such persons shall not appear, or shall be challenged, then the said coroner or other person shall draw as aforesaid such further number of persons as may be necessary, until the full number be drawn and shall appear, and after all just causes of challenge allowed and the names of the persons so drawn and appearing marked on the panel, such persons being sworn shall be the jury to try the issue. The discs bearing the numbers of the persons so drawn and sworn shall be kept apart by themselves until the verdict of such jury shall have been received, or until such jury shall, by consent of the parties, or by leave or order of the Deemster, have been discharged, and then the same discs shall be returned to the box, there to be kept with the other discs remaining at that time undrawn, and so, *toties quoties*, so long as any issue remains to be tried:~~

~~Provided always that if any issue shall be brought on to be tried, before a jury in any other issue shall have brought in their verdict or been discharged, the Deemster shall order the jury to be drawn from the residue of the names on the panel (not including the names of the jurors who shall not have so brought in~~

~~their verdict or been discharged), to be drawn in such manner as is aforesaid for the trial of the issue which shall be so brought on to be tried:~~

~~Provided also, that where no objection shall be made on behalf of the Queen, or any other party, the Deemster may try any issue, with the same jury that shall have previously tried, or been drawn to try, any other issue without the discs representing their names being returned to the box and re-drawn.<sup>27</sup>~~

## 26 Panel of jurors for criminal trials

- (1) Whenever a jury is to be taken from a panel of jurors comprising those summoned to attend a court for the trial of criminal issues –
  - (a) the names on the panel must be numbered with consecutive numbers, beginning with the number one; and
  - (b) each of the numbers respectively must be written or printed on a disc (all of the discs being as nearly as may be of equal size).
- (2) The Coroner attending the court, or some other person appointed by the Deemster, must put all the discs into a box provided for that purpose.
- (3) On a jury being required for the trial of any issue at a court, the Coroner or other person appointed must, in open court, draw so many of the discs, one after another, as may be necessary, and the numbers so drawn shall represent the persons on the panel having the like numbers.
- (4) If any of the persons who have been summonsed does not appear, the Coroner or other person appointed must draw such further number of persons as may be necessary, until the full number of jurors required has been drawn and those jurors are present.
- (5) If any of the persons who have been summonsed is challenged then, if required by the Deemster to do so, the Coroner or other person appointed must draw such further number of persons as may be necessary, until the full number of jurors required has been drawn and those jurors are present.
- (6) After all just causes of challenge have been allowed –
  - (a) the persons whose names have been drawn who are present and have not been challenged shall be sworn and be the jury to try the issue;
  - (b) the discs bearing the numbers of the persons so drawn and sworn shall be kept apart by themselves until the verdict of such jury shall have been received, or until such jury shall, by consent of the parties, or by leave or order of the Deemster, have been discharged.
- (7) Subject to subsection (10), the disc of any juror who is discharged shall not be returned to the box.
- (8) The disc of any person who had not been present at the time the person's disc was drawn, but who has subsequently made himself or herself

present, shall be returned to the box to be kept with the other discs remaining for so long as any issue remains to be tried.

- (9) If in any trial a juror is discharged before any evidence is heard, the Deemster —
  - (a) subject to section 28, may proceed with the trial without that juror;
  - (b) may order the Coroner or other person appointed to draw a disc in accordance with subsection (3) in order to return the number of jurors to the full jury panel required for the trial; or
  - (c) may discharge all the jurors selected to hear that trial.
- (10) The Deemster may order that the disc for a juror who has been discharged in relation to a particular trial in the circumstances described in subsection 9(c) be returned to the box and such disc may be re-drawn and that juror re-selected for hearing the trial of the same matter for which the jury had been discharged under subsection (9)(c).

## 27 Challenges in criminal trials

- (1) [Repealed]<sup>28</sup>
- (2) If a person is to be tried on information, the person preferring the information and the person to be tried may challenge any juror for good and sufficient cause.<sup>29</sup>
- (3) Upon the trial of any person for an offence on information any challenge to jurors for cause shall be tried by the Deemster before whom the person is to be tried.<sup>30</sup>
- (4) Upon the trial of any person on information the whole or any two of the jury may be sworn together, provided that an opportunity to challenge each person separately shall be furnished to the prosecutor and the person to be tried before the oath is administered.<sup>31</sup>
- (5) [Repealed]<sup>32</sup>

## 28 Death or illness, etc of member of jury in a criminal trial

Where, in the course of any trial on information, any member of the jury dies or is discharged by the Deemster as being through illness incapable of continuing to act or for any other reason, ~~the jury shall nevertheless, subject to the consent being given in writing by or on behalf of both the Attorney General and the accused and so long as the number of its members is not reduced below ten (in the case of a trial by a jury of twelve persons) or below six (in the case of a trial by jury of seven persons),~~ the jury shall be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a verdict may be given accordingly.

**29 Validity of verdicts and trials**

[P1974/23/18]

- (1) No sentence or judgment after verdict in any trial by jury in any court shall be stayed or reversed by reason —
  - (a) that any provisions of this Act about the summoning or empanelling or selection of jurors has not been complied with; or
  - (b) that a juror was not qualified to serve as a juror in accordance with section 1; or
  - (c) that any juror was misnamed or misdescribed; or
  - (d) that any juror was unfit to serve.
- (2) Subsection (1)(a) shall not apply to any irregularity if objection is taken at, or as soon as practicable after, the time it occurs, and the irregularity is not corrected.
- (3) Nothing in subsection (1) shall apply to any objection to a sentence or judgment on the ground of personation.

**30 Coroners not to excuse person from serving**

Any Coroner or other officer who shall, directly or indirectly, take or receive any money or other reward, or promise of money or reward, to excuse any man from serving, or from being summoned to serve, on juries, or under any such colour or pretence, or who shall be guilty of any act of wilful or unwarranted departure from the provisions of this Act, in regard to the making up of lists, or the returning and summoning of jurors to any court, shall on summary conviction be liable to a fine not exceeding level 5 on the standard scale.<sup>33</sup>

**31 Offences**

[P1974/23/20]

- (1) Subject to the provisions of subsections (2) to (4) —
  - (a) if a person duly summoned under this Act fails to attend as a juror in any court in compliance with such summons; or
  - (b) if a person, after attending at a court in pursuance of a summons —
    - (i) is not available when called on to serve as a juror, or is unfit for service by reason of drink or drugs; or
    - (ii) refuses to be sworn as a juror;

he shall be liable to a fine not exceeding level 3 on the standard scale.<sup>34</sup>
- (2) An offence under subsection (1) shall be punishable either on summary conviction or by the Deemster presiding over the court in respect of which the offence was committed.
- (3) An offence under subsection (1) shall not apply to a person summoned, otherwise than under section 11 of this Act, unless the summons was duly



served on him on a date not later than fourteen days before the date fixed by the summons for his first attendance.

- (4) A person shall not be liable to be punished under the preceding provisions of this section if he can show some reasonable cause for his failure to comply with the summons, or for not being available when called on to serve, or for his refusing to be sworn, and those provisions shall have effect subject to the provisions of this Act relating to the granting of any excusal.
- (5) If any person —
  - (a) having been summoned under this Act makes, or causes or permits to be made on his behalf any false representation to a Deemster or an officer of the court with the intention of evading jury service; or
  - (b) makes or causes to be made on behalf of any other person who has been so summoned any false representation to any Deemster or officer of the court with the intention of enabling the other to evade jury service; or
  - (c) knowing that he is disqualified under Part II of Schedule 1, serves on a jury; or
  - (d) having been excused jury service under section 12 fails, without reasonable cause, to comply with any such conditions as may have been imposed by the Deemster,<sup>35</sup>

he shall be liable on summary conviction to a fine of not more than level 5 on the standard scale in the case of an offence of serving on a jury when disqualified and, in any other case, a fine of not more than level 3 on the standard scale.<sup>36</sup>

- (6) If any person publishes or otherwise discloses the identity or address of a juror before the conclusion of the trial or the discharge of the jury he shall be in contempt of court.

## 32 Remuneration of jurors

- ~~(1) — Every juror trying a case or at an inquest of death shall be entitled to the following remuneration for his services, that is to say —~~

- ~~(a) — at the rate of £56.00 for every full day of the trial or inquest; and<sup>37</sup>~~
- ~~(b) — whenever on any day the trial or inquest sits during only one half of that day, at the rate of £28.50.<sup>38</sup>~~

- (1) A juror shall be entitled to such remuneration as may be prescribed by Order by the Department of Home Affairs.

- (2) Every person who in obedience to a summons to serve as a juror attends for such service but is not sworn as a juror shall be entitled to be paid at the same rate as if he were trying a case.

- ~~(2A) — The Treasury may by order vary any amount specified in subsection (1)(a) or (b).<sup>39</sup>~~

- (2B) The ~~Treasury~~ **Department of Home Affairs** may be order provide that jurors shall be entitled to be paid, in addition to any sum payable by virtue of subsection (1) or (2), such sums by way of travelling and subsistence allowances in connection with their attendance as may be specified in, or determined in accordance with, the order.<sup>40</sup>
- (2C) Before making any order under subsection (2A) or (2B) the ~~Treasury~~ **Department of Home Affairs** shall consult the Deemsters; and no such order shall have effect unless it is approved by Tynwald.<sup>41</sup>
- (3) Payments to jurors in respect of services in civil cases shall be made by the plaintiff in the issue, and for that purpose the plaintiff so liable to the payment shall deposit such sum of money as may be determined by the court, and such deposit shall be made in such manner, at such time and with such officer as the court may direct. The plaintiff in whose favour the issue may be decided and being entitled to his costs, shall be allowed in such costs the amount paid by him as remuneration to the jurors.
- (4) Payments to jurors in respect of services in criminal cases or at inquests of death shall be made by the Treasury out of the General Revenue of the Isle of Man.<sup>42</sup>
- (4A) References in subsections (2B), (3) and (4) to jurors shall be construed as including persons referred to in subsection (2).<sup>43</sup>
- (5) It is hereby declared that a member of a jury constituted under section 20 shall be entitled to remuneration under this section as a member of a jury trying a civil case.

### **33 — Orders by the Treasury**

- (1) ~~The Treasury may by order vary —~~
- (a) ~~the amount of any fee for the time being payable under section 9;~~
- (b) ~~[Repealed]~~<sup>44</sup>
- (2) ~~Any order made under subsection (1) shall not take effect until approved by Tynwald.~~

### **34 — Savings in respect of Coroners' juries etc**

- (1) Without prejudice to sections 20, 32(5), 35, 39, subsection (2) of this section and Schedule 2, nothing in this Act contained shall be construed to extend to jurors on inquests of death, or on any inquest or inquiry to be taken before any Coroner by virtue of his office, or to juries of survey, or juries of mariners in admiralty causes or selected juries of persons following or skilled in particular lines of business as heretofore accustomed; but all such inquests and juries shall and may respectively be taken in the same manner and of the same description of persons as heretofore accustomed:

But so that no person shall be disqualified from being a member of such a jury by reason of sex.<sup>45</sup>

- (2) Payment of special remuneration to jurors of survey and other selected juries by order of a court shall be made as heretofore accustomed.

**35 [Repealed]<sup>46</sup>**

**36 Financial provision**

Any expenses incurred by Coroners in the exercise of their functions under this Act shall be defrayed by the Treasury out of moneys provided by Tynwald.<sup>47</sup>

**37 Interpretation**

In this Act, unless the context otherwise requires —

“**court**” shall be construed distributively as referring to any court to which the provisions may be applicable and shall include a Deemster;

“**sworn**” includes affirm.

**38 Declaration**

It is hereby declared that nothing in this Act shall be construed as affecting the discontinuance of the terms “Common Jury” or “Common Juror” or the abolition of Special Juries affected by the *Jury Act 1960*.

**39 and 40 [Repealed]<sup>48</sup>**

**41 Short title and commencement**

- (1) This Act may be cited as the Jury Act 1980.
- (2) This Act shall come into operation on such day as the Governor may by order appoint and different days may be appointed for different provisions and different purposes.<sup>49</sup>



## SCHEDULE 1

### NON-JURORS

#### Section 2

#### PART I – PERSONS INELIGIBLE FOR JURY SERVICE

##### GROUP A<sup>50</sup>

###### *The Legislature and associated bodies*

Peers and Peeresses entitled to receive writs of summons to attend the House of Lords.

Members of Tynwald.

Members of Statutory Boards and any Committees thereof.

A Clerk to Tynwald or any Branch thereof.

The Tynwald Auditor General.

The Tynwald Commissioner for Administration.

##### GROUP B<sup>51</sup>

###### *The Judiciary and associated persons*

Deemster.

Judicial Officer within the meaning of section 3C of the *High Court Act 1991*.

High Bailiff.

Justice of the Peace.

Attorney General and professional members of his Department.

Any person whose duties are or include acting as clerk to any court of summary jurisdiction.

Chief Registrar.

A person who has at any time been a person falling within any description specified above in this Group.

A person for the time being appointed as an arbitrator pursuant to section 4(6) of the *Administration of Justice Act 1983*.

GROUP C<sup>52</sup>*Others concerned with the administration of Justice*

Advocates, barristers or solicitors whether or not in actual practice as such.

Articled clerks.

Coroners.

Professionally qualified legal executives in the employment of advocates.

Lockmen.

Officers and staff of any court, if their work is mainly concerned with the day to day administration of the court.

A shorthand writer in any court.

Probation officers and persons appointed to assist.

Members of the Staff of any remand centre, detention centre, probation home, probation hostel or bail hostel.

Members of the Parole Committee.

Members of the body established under section 18(1) of the *Police Act 1993*.

A constable.

The governor and other officers of the Isle of Man Prison.

Persons employed for police purposes by the Department of Home Affairs.

Employees of the Public Services Commission assigned to the Department of Home Affairs.

The Chief Secretary, and those members of the staff of the Cabinet Office whose work is concerned with the administration of justice and who have been designated as such, in writing, by the Chief Secretary.

A person who at any time within the last ten years has been a person falling within any description specified above in this Group.

## GROUP D

*The Clergy etc.*

A person in holy orders; a regular minister of any religious denomination.

A vowed member of any religious order living in a monastery, convent or other religious community.

GROUP E<sup>53</sup>

*Others*

Persons of the following professions if actually practising and registered (including provisionally or temporarily registered) enrolled, certified or licensed under enactments (including Acts of Parliament) relating to that profession —

Medical practitioners,

Dentists,

Nurses,

Midwives,

Veterinary surgeons,

Pharmaceutical chemists.

The Chief Financial Officer of the Treasury.

The chief executive officer of the Department of Health and Social Care.<sup>54</sup>

[Repealed]<sup>55</sup>

The chief executive officer of the Isle of Man Post Office.

The Director of Education.

The Town Clerk of Douglas.

Full time members of ~~Her Majesty's~~ His Majesty's naval, military or air forces.

Members of the fire brigade maintained under the *Fire Services Act 1984*.

Persons employed for fire-fighting purposes at an aerodrome by the Department of Infrastructure.

Members of ~~Her Majesty's~~ His Majesty's Coastguard Service.

Lifeboat mechanics and crews.

Lighthouse keepers.

Editors, reporters and photographers of newspapers circulating in the Isle of Man and radio and television news reporters.

Qualified masters, certificated engineers and licensed officers of vessels and aircraft actually employed.

Harbour Masters.

Marine Surveyors and Assistant Marine Surveyors.

Industrial relations officers.

The Chief Executive of Manx Care.<sup>56</sup>

#### GROUP F<sup>57</sup>

##### *Mentally disordered persons*

A person who suffers or has suffered from mental disorder and on account of that condition —

- (a) is liable to be detained (otherwise than by virtue of an application for admission for assessment), or
- (b) is resident in a hospital or mental nursing home, or
- (c) is subject to guardianship, or
- (d) is subject to after-care under supervision, or
- (e) regularly attends treatment by a registered medical practitioner.

(Expressions in the above head are to be construed in accordance with the *Mental Health Act 1998*.)

A person with respect to whom any proceedings under Part 7 of the *Mental Health Act 1998* have been commenced and have not been terminated.

#### GROUP G<sup>58</sup>

##### *Disabled persons*

A person who is registered as a blind person.<sup>59</sup>

A person who is certified by a registered medical practitioner to be so deaf as to be unable to perform the functions of a juror.

A person who is in receipt of an attendance allowance under section 35 of the *Social Security Act 1975* (an Act of Parliament), as it has effect in the Island.

A person who is certified by a registered medical practitioner to be suffering from a condition which —

- (a) is likely to persist for more than 12 months, and



- (b) is such as to render him incapable of performing the functions of a juror.

## PART II – PERSONS DISQUALIFIED FOR JURY SERVICE<sup>60</sup>

1. A person who has at any time been sentenced in the British Islands or the Republic of Ireland –

- (a) to imprisonment for life or for term of 5 years or more; or
- (b) to be detained during ~~Her Majesty's~~ **His Majesty's** pleasure, during the pleasure of the Secretary of State or during the pleasure of the Governor of Northern Ireland.

2. A person who has at any time in the last 10 years, in the British Islands or the Republic of Ireland –

- (a) served any part of a sentence of imprisonment, youth custody or detention; or
- (b) been detained in a borstal institution; or
- (c) had passed on him or (as the case may be) made in respect of him a suspended sentence of imprisonment or order for detention; or
- (d) had made in respect of him a community service order.

3. A person who at any time in the last 5 years has in the British Islands or the Republic of Ireland been placed on probation.

## SCHEDULE 2<sup>61</sup>

## SCHEDULE 3<sup>62</sup>



## ENDNOTES

### Table of Endnote References

- 
- <sup>1</sup> Para (a) amended by Registration of Electors Act 1984 Sch 2, by Jury (Amendment) Act 1986 Sch and by Justice Reform Act 2021 s 103.
- <sup>2</sup> Para (b) amended Justice Reform Act 2021 s 103
- <sup>3</sup> Subs (2) amended by Registration of Electors Act 1984 Sch 1, by Jury (Amendment) Act 1986 Sch, by Registration of Electors Act 2006 Sch 2 and by Registration of Electors Act 2020 s 27.
- <sup>4</sup> Subs (2) amended by GC155/91.
- <sup>5</sup> S 3 repealed by Registration of Electors Act 1984 Sch 2.
- <sup>6</sup> S 4 repealed by Jury (Amendment) Act 1986 Sch.
- <sup>7</sup> Subs (1) amended by Registration of Electors Act 2020 s 27.
- <sup>8</sup> Subs (3) amended by Registration of Electors Act 2020 s 27.
- <sup>9</sup> Subs (6) amended by Registration of Electors Act 2020 s 27.
- <sup>10</sup> S 5 substituted by Administration of Justice Act 2008 s 31(1), subject to transitional provisions see SD992/08.
- <sup>11</sup> S 6 substituted by Administration of Justice Act 2008 s 31(1), subject to transitional provisions see SD992/08.
- <sup>12</sup> S 7 substituted by Administration of Justice Act 2008 s 31(1), subject to transitional provisions see SD992/08.
- <sup>13</sup> Subs (2) amended by Fines and Penalties Act 2024 Sch 5.
- <sup>14</sup> S 9 substituted by Data Protection Act 2002 Sch 9.
- <sup>15</sup> S 10 substituted by Administration of Justice Act 2008 s 31(2).
- <sup>16</sup> Subs (1) substituted by Criminal Justice Act 1991 Sch 4.
- <sup>17</sup> Subs (2) substituted by Criminal Justice Act 1991 Sch 4.
- <sup>18</sup> Subs (3) substituted by Criminal Justice Act 1991 Sch 4
- <sup>19</sup> Subs (4) amended by Justice Reform Act 2021 s 103.
- <sup>20</sup> S 16 amended by Criminal Justice Act 1996 Sch 2 para 4(1) with saving.
- <sup>21</sup> S 18 amended by Statute Law Revision Act 1997 Sch 2.
- <sup>22</sup> S 19 substituted by Administration of Justice Act 2008 Sch 2.
- <sup>23</sup> S 20 substituted by Administration of Justice Act 2008 Sch 2.
- <sup>24</sup> S 24 substituted by Justice Reform Act 2021 s 103.
- <sup>25</sup> S 24A inserted by Justice Reform Act 2021 s 103.
- <sup>26</sup> S 25 amended by Criminal Justice Act 1996 Sch 2.
- <sup>27</sup> S 26 amended by Justice Reform Act 2021 s 103.
- <sup>28</sup> Subs (1) repealed by Justice Reform Act 2021 s 103.
- <sup>29</sup> Subs (2) substituted by Justice Reform Act 2021 s 103.
- <sup>30</sup> Subs (3) amended by Justice Reform Act 2021 s 103.
- <sup>31</sup> Subs (4) amended by Justice Reform Act 2021 s 103.
- <sup>32</sup> Subs (5) repealed by Justice Reform Act 2021 s 103.

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- <sup>33</sup> S 30 amended by Fines and Penalties Act 2024 Sch 5.
- <sup>34</sup> Subs (1) amended by Fines and Penalties Act 2024 Sch 3.
- <sup>35</sup> Para (d) amended by Statute Law Revision Act 1982 Sch 1.
- <sup>36</sup> Subs (5) amended by Fines and Penalties Act 2024 Sch 3 and Sch 5.
- <sup>37</sup> Para (a) amended by Jury (Amendment) Act 1986 s 4 and by SD60/03.
- <sup>38</sup> Subs (1) amended by Jury (Amendment) Act 1986 s 4. Para (b) amended by Jury (Amendment) Act 1986 s 4 and by SD60/03.
- <sup>39</sup> Subs (2A) inserted by Jury (Amendment) Act 1986 s 4.
- <sup>40</sup> Subs (2B) inserted by Jury (Amendment) Act 1986 s 4.
- <sup>41</sup> Subs (2C) inserted by Jury (Amendment) Act 1986 s 4.
- <sup>42</sup> Subs (4) amended by Treasury Act 1985 Sch 2 and by Jury (Amendment) Act 1986 s 4.
- <sup>43</sup> Subs 4(A) inserted by Jury (Amendment) Act 1986 s 4.
- <sup>44</sup> Subs 1 amended by Treasury Act 1985 Sch 2. Para (b) repealed by Jury (Amendment) Act 1986 Sch.
- <sup>45</sup> Subs (1) amended by Jury (Amendment) Act 1986 Sch.
- <sup>46</sup> S 35 repealed by Statute Law Revision Act 1997 Sch 2.
- <sup>47</sup> S 36 amended by Treasury Act 1985 Sch 2, by Jury (Amendment) Act 1986 Sch and by Statute Law Revision Act 1997 Sch 2.
- <sup>48</sup> Ss 39 and 40 repealed by Jury (Amendment) Act 1986 Sch.
- <sup>49</sup> ADO (whole Act) 1/1/1981 (GC262/80).
- <sup>50</sup> Group A amended by Education (Miscellaneous Provisions) Act 2009 Sch 1, by Tynwald Commissioner for Administration Act 2011 s 30 and by Tynwald Auditor General Act 2011 Sch 2.
- <sup>51</sup> Group B amended by Law Reform Act 1997 Sch 5 and by Administration of Justice Act 2008 Sch 2.
- <sup>52</sup> Group C amended by GC38/82, by GC367/86, by GC398/89, by Civil Service Act 1990 s 7 by SD119/94, by SD147/96, by Cabinet Office (Legislative Amendments) Act 2014 s 2 and by Public Services Commission Act 2015 Sch.
- <sup>53</sup> Group E amended by GC119/81, by GC367/86, by GC155/88, by Post Office Act 1993 Sch 2, by SD486/94, by SD147/96, by Veterinary Surgeons Act 2005 Schs 2 and 3 and by SD155/10 Sch 11.
- <sup>54</sup> Item amended by SD2014/08.
- <sup>55</sup> Item repealed by SD2014/08.
- <sup>56</sup> Item inserted by Manx Care Act 2021 Sch 5.
- <sup>57</sup> Group F substituted by Mental Health Act 1998 Sch 5.
- <sup>58</sup> Group G added by GC367/86.
- <sup>59</sup> Entry amended by Social Services Act 2011 Sch 3.
- <sup>60</sup> Part II substituted by Jury (Amendment) Act 1986 s 1.
- <sup>61</sup> Sch 2 repealed by Income Tax Act 1989 Sch 6.
- <sup>62</sup> Sch 3 repealed by Jury (Amendment) Act 1986 Sch.