



**BERMUDA
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JURIES IN CIVIL CAUSES ACT 1951

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[2 April 1951]

[*preamble and words of enactment omitted*]

Interpretation

1 In this Act "civil cause" means a civil cause or matter heard in the Supreme Court.

Savings

2 Nothing in this Act shall have effect in relation to a jury required to be empanelled for the purposes of the Escheats Act 1871 [*title 8 item 103*], or for the purposes of the Coroners Act 1938 [*title 8 item 81*].

JURIES IN CIVIL CAUSES ACT 1951

Drawing of juries and selection of special juries

3 (1) This section shall have effect with respect to the composition of juries in civil causes.

(2) A jury required to be empanelled to try any issue or to make any assessment in a civil cause shall be drawn from among those members of the whole panel of jurors who are, by virtue of the operation of the Jurors Act 1971 [*title 8 item 14*], liable to serve as jurors at the regular civil session of the Supreme Court during which the hearing of the civil cause takes place and who are liable and available to serve as jurors at the hearing of that particular civil cause.

(3) A jury in a civil cause shall (unless an effective challenge is made in accordance with section 4) consist of the eight jurors whose names are first drawn in open court.

(4) The Supreme Court shall, upon the application of either party to a civil cause, order that the issue to be tried or the assessment to be made shall be tried or made by a special jury, and upon such order being made, the Registrar shall forthwith cause to be summoned a panel of special jurors, within the meaning of the Jurors Act 1971 [*title 8 item 14*], which shall consist of such number of special jurors as, together with the number of special jurors included in the panel of jurors summoned to attend, shall in the aggregate amount to sixteen; and at the trial of that particular civil cause, the jury shall be drawn from the panel of special jurors so summoned, and the provisions of this Act which relate to jurors shall have effect with respect to such special jurors.

Challenge

4 (1) Any person drawn to serve on a jury in a civil cause may be challenged by either party to the cause before he is sworn as a juror, upon the ground—

(a) that he is not or may not be qualified in law to serve as a juror; or

(b) that he is not indifferent as between the parties to the cause.

(2) Any challenge to a juror as aforesaid shall be tried by the judge comprising the court before which the cause is to be tried.

(3) Where a challenge to a juror as aforesaid is allowed he shall be discharged from serving as a juror in the cause; and accordingly—

(a) where a special jury has not been ordered, a further name shall be drawn in the manner provided in section 3(2) and (3), and the person whose name is so drawn shall, subject to effective challenge under this section, serve as a juror in the place of the person discharged; or

- (b) where a special jury has been ordered, one name shall be drawn in the manner provided in section 3(4); and the person whose name is so drawn shall, subject to effective challenge under this section, serve as a juror in place of the person discharged.

Swearing of jury

5 A jury in a civil cause shall be sworn to give a true verdict according to the evidence upon the issues to be tried by them or upon the assessment to be made by them, as the case may be.

Election of foreman

6 A jury in a civil cause shall, upon being sworn, elect one of the members of the jury to be the foreman.

Death or discharge of juror

7 In any case where, during the hearing of a civil cause in which a jury has been duly empanelled and sworn, a juror dies, or is discharged under any provision of law from further service as a juror in that cause, the trial of the cause may, if the parties consent in writing, continue notwithstanding his death or discharge from further service as a juror:

Provided that if any such consent is withheld, or if more than one juror dies or is discharged from further service as a juror, the remainder of the jury shall be discharged and the trial of the cause shall be started afresh with a new jury; and this Act shall have effect accordingly.

Verdict

8 Subject to this section, a verdict found in respect of any issue falling to be tried by a jury in a civil cause, or an assessment made by any such jury, shall be unanimous and shall be delivered by the foreman of the jury in the presence of the other members of the jury in open court:

Provided that where, after a jury in a civil cause have been in deliberation for not less than one hour, it shall be competent for six or more of the jurors to find a verdict in respect of any issue falling to be tried by the jury, or to make an assessment, and any such verdict or assessment shall have the same force and effect as if it had been found or made unanimously by the jury:

Provided further that the judge may, where he considers fit to do so, direct that he will not accept a majority verdict in accordance with this section before the expiration of two hours.

JURIES IN CIVIL CAUSES ACT 1951

Power of court to discharge jury

9 Nothing in this Act shall affect or derogate from any power of the Supreme Court to discharge a jury in a civil cause at any stage of the hearing of the cause.

Effect of service of non-qualified juror

10 Notwithstanding anything in sections 1 to 9, where in a civil cause a person who is by virtue of any provision of law not qualified or duly returned to serve as a juror in a civil cause is drawn as a juror, and is not challenged in pursuance of section 4, if after being sworn he subsequently serves as a juror in the civil cause, such service shall not invalidate or affect any verdict found or assessment made by the jury, and all proceedings of the jury in that civil cause shall be as valid and effectual as if that person had been duly qualified or, as the case may be, had been duly returned, to serve as a juror.

Rules

11 Section 62 of the Supreme Court Act 1905 [*title 8 item 1*] (which relates to the making of Rules of Court) shall have effect as if it extended so as to authorize the making of Rules Court—

- (a) with respect to the drawing of juries in civil causes;
- (b) with respect to the challenging of jurors and the trial of challenges made to jurors;
- (c) with respect to the swearing of jurors.

Commencement

12 [*omitted*]

[*this Act was brought into operation on 10 September 1951 by notice published in Gazette No. 28 of 1951*]

[*Amended by*

1952 : 11
1960 : 167
1964 : 178]