

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE JUDICATURE LAW (2004  
REVISION) WITH RESPECT TO JURY SERVICE AND THE  
SELECTION OF JURORS; AND FOR INCIDENTAL AND CONNECTED  
PURPOSES**



**THE JUDICATURE (AMENDMENT) BILL, 2006**

**MEMORANDUM OF OBJECTS AND REASONS**

This Bill seeks to amend the Judicature Law (2004 Revision) with respect to juries in criminal trials.

Clause 1 states the short title of the Bill.

Clause 2 amends section 8 of the principal Law with respect to the disqualification of persons from jury service. Currently the section provides that a person convicted before the Grand Court of an indictable offence for which he has not received a free pardon is disqualified from jury service. The amendment provides instead that a person will be disqualified if he has been convicted by the Grand Court or a summary court of an offence for which he was sentenced to a term of imprisonment and for which he was not pardoned.

Clause 3 repeals and substitutes section 17 of the principal Law so as to vary the number of peremptory challenges of prospective jurors that may be made by the parties to a criminal trial. (A peremptory challenge of a prospective juror is one that can be made with no reason given.) The section currently allows each party (that is, the Crown prosecutor and the accused person) a number of peremptory challenges equal to the number of jurors that will constitute the jury after all rights of challenge are exhausted. In a case where several co-accused are tried together, this is taken to mean that each accused person can challenge up to that number of prospective jurors. The amendment provides that, in a trial where just one accused person is tried alone, the accused person and the prosecutor each have the right to make five peremptory challenges. In cases where several co-accused are tried together, each of the co-accused can make five peremptory challenges, and the Crown will be allowed five such challenges for each co-accused.

Clause 4 contains transitional provisions, to the effect that the amendments contained in the Bill have no effect on a juror who had been duly sworn, or a jury selection process that had already started, at the time when the amendments take effect.

**THE JUDICATURE (AMENDMENT) BILL, 2006**

**ARRANGEMENT OF CLAUSES**

1. Short title.
2. Amendment of section 8 of the Judicature Law (2004 Revision) - composition of juries.
3. Repeal and substitution of section 17 – challenges.
4. Transitional provisions.

CAYMAN ISLANDS

**A BILL FOR A LAW TO AMEND THE JUDICATURE LAW (2004 REVISION) WITH RESPECT TO JURY SERVICE AND THE SELECTION OF JURORS; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Judicature (Amendment) Law, 2006. Short title
  
  2. The Judicature Law (2004 Revision), in this Law referred to as “the principal Law”, is amended in section 8 by deleting from the second proviso the words “on indictment before the court who have not received a free pardon” and substituting the words “before any court of the Islands of an offence for which they were sentenced to a term of imprisonment and who have not received a free pardon in respect of the offence”. Amendment of section 8 of the Judicature Law (2004 Revision) - composition of juries
  
  3. The principal Law is amended by repealing section 17 and substituting the following section – Repeal and substitution of section 17 – challenges
- “Challenges
17. (1) In a trial on indictment, the person arraigned before the court and counsel appearing on behalf of the Crown shall be permitted to make –
    - (a) peremptory challenges of jurors, for which no cause need be assigned; and
    - (b) in addition, further challenges of jurors for cause given.
  - (2) Where the trial is of one person only, each party shall be

permitted five peremptory challenges.

(3) Where the trial is of two or more persons together –

- (a) each such person shall be permitted five peremptory challenges; and
- (b) counsel appearing on behalf of the Crown shall be permitted five peremptory challenges for each person on trial.

(4) If a challenge made by either party for cause given is objected to by the other party, the question shall be decided by the court without a jury, and the person challenged shall be examined on oath and required to answer all lawful questions relevant to the challenge.”.

Transitional provisions

4. (1) For the purposes of a trial that, on the date of commencement of this Law, was about to commence or was in progress, the amendments made by this Law to section 8 of the principal Law have no effect in relation to a person who –

- (a) under that section, as in force immediately before that date, was not disqualified for jury service; and
- (b) had been duly sworn, before that date, to serve as a juror in that trial.

(2) A process of challenging jurors under section 17 of the principal Law that had already commenced, but had not been completed, at the commencement of this Law shall be completed as if the amendments made to that section by this Law had not been made.

Passed by the Legislative Assembly the            day of            , 2006.

Speaker.

Clerk of the Legislative Assembly.