

Jury Act Amendment Act. 14 GEO. V. No. 19,

(c) In subsection five of the said section the words “police magistrate” are repealed and the words “Judge of the Supreme Court” are inserted in lieu thereof.

The second paragraph of the said subsection is repealed.

In the third paragraph of the said subsection, after the word “appeal” the words “whether to a Judge or to the Full Court” are inserted, and before the word “Court” the words “Judge or” are inserted.

Amendments
of Schedule
II.

(7.) (i.) In Form No. 1 of Schedule II., after paragraph (c) the following new paragraph is inserted:—

(d) In the case of a company formed after the date of the passing of “*The Insurance Act of 1923*” for the purpose of carrying on marine or general insurance business, or both, within Queensland, copy of the prospectus of the applicant, endorsed by the Auditor-General as having been approved by him before issue and as having contained, when issued, no reference to such approval or to the grant to the company of a license under the above-mentioned Act.

(ii.) The words “Insurance Commissioner” in the said Form are repealed, and the word “Treasurer” is inserted in lieu thereof.

(iii.) In Form No. 2 of the said Schedule, the words “Insurance Commissioner” are repealed and the word “Treasurer” is inserted in lieu thereof.

JURIES.

14 Geo. V.
No. 19.
THE JURY
ACT

AMENDMENT
ACT OF 1923.

**An Act to Amend “The Jury Acts, 1867 to 1898,”
in certain particulars.**

[ASSENTED TO 10TH OCTOBER, 1923.]

BE it enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title,
construction
and
commence-
ment of Act.

1. This Act may be cited as “*The Jury Act Amendment Act of 1923*,” and shall be read as one with **“The Jury Acts, 1867 to 1898,”* herein collectively referred to as the Principal Act.

Save as is hereinafter provided, this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

* 31 Vic. No. 34 and Amending Acts, *supra*, pages 1110 *et seq.*

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2. (1.) Section one of **“The Jury Act of 1867”* is repealed, and the following section is inserted in lieu thereof :— Amendment of s. 1 of Act of 1867.

“ [1.] (i.) All male persons between the ages of twenty-one and sixty years who are enrolled on the respective annual electoral rolls for the time being as electors under the laws relating to the election of Members of the Legislative Assembly; and Who are liable to serve on juries.

(ii.) All female persons between the ages of twenty-one and sixty years who are so enrolled and who notify in writing, addressed to the Principal Electoral Officer or the electoral registrar for the electoral district for which they are so enrolled or other prescribed officer, that they desire to serve as jurors—

shall (subject to the exceptions set forth in sections two and three of this Act and section four of †*“The Jury Act of 1884”*) be qualified and liable to serve on all juries that may be empanelled for any trial or inquiry within the jury district within which such electors are shown by the said respective annual electoral rolls to reside.

Every person whose name is included in the jurors book or list as a juror shall be liable to serve as such, notwithstanding that he or she may have been entitled by reason of some disqualification or exemption to claim that he or she ought not to be included in such book or list as a juror :

Provided that nothing in the foregoing provisions shall affect the right of any person to be excused from attendance as a juror on the ground of illness, or, if a woman, for medical reasons.”

(2.) ‡*“The Jurors Act of 1877”* is repealed.

Repeal of Act of 1877.

(3.) After the words “ inspectors of schools” in section two of **“The Jury Act of 1867”* the following words are inserted :—“ and all women who for Amendment of s. 2 of Act of 1867. medical reasons are unfit to attend as jurors.”

* 31 Vic. No. 34 and Amending Acts, *supra*, pages 1110 *et seq.*

† 48 Vic. No. 24, *supra*, page 1130.

‡ 41 Vic. No. 20, *supra*, page 1130.

New
provisions
as to jury
trials, &c.

3. Notwithstanding anything contained in the Principal Act, the following provisions shall be observed on and after the commencement of this Act:—

(1.) No further trials or inquiries shall be had with a common jury or a special jury within the meaning of the Principal Act.

(2.) All criminal trials shall be had with a jury of twelve qualified persons.

(3.) In any civil action or other civil proceeding in which a trial or inquiry may or shall be had with a jury, such jury shall consist of six qualified persons.

(4.) In any civil action or other proceeding (except in an action for defamation, malicious prosecution, false imprisonment, seduction, or breach of promise of marriage or an action in which fraud is alleged, in which actions a unanimous verdict only shall be taken) tried before a jury of six men, the Court or judge shall take the verdict of five-sixths of the jurors as the verdict of the jury after they have deliberated for six hours; but if five-sixths of such jurors have not then agreed upon a verdict they may be discharged.

(5.) The sheriff or his deputy, as the case may be, shall not give notice of the day or time on or at which he will proceed to draw the names of persons to be summoned as jurors, but shall draw such names in the presence of a registrar or a deputy registrar of the Supreme Court and shall, not more than two days before the precept is returnable, cause the panel to be published in some conspicuous place in the Courthouse where the trial or inquiry is to be held, and cause a copy of the panel to be delivered to the clerk of petty sessions.

(6.) If any person who has been summoned by the sheriff or his deputy to attend as a juror shows in writing to the satisfaction of the sheriff or his deputy, as the case may be, that there is good reason why he should be excused from attending on that jury, it shall be lawful for the sheriff or his deputy, as the case may be, to excuse that person from so attending.

Moreover the sheriff or his deputy, as the case may be, shall excuse from attendance as a juror every female person who applies to be exempted from service on a jury by reason of the nature of the evidence to be given or of the issues to be tried:

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Provided that—

- (a) The sheriff or his deputy, as the case may be, shall produce to the Court or judge all applications received by him from persons asking to be excused from attendance on any jury summoned for any trial or inquiry before that Court or judge and any correspondence relating to such applications, and shall, where he has complied with any such application, state to the Court or judge his reasons for so doing ; and
- (b) Nothing in this section shall affect the power of a Court or judge to excuse any person from attending on a jury.

4. Subject to this Act and save as herein otherwise provided, the provisions of the Principal Act, including those relating to jury districts, jury lists, formation of panels, precepts, summonses, view and inspection, formation of juries, discharge of juries, challenges, penalties, the application of the English rules in the absence of other provision, fees for jury trials, remuneration of jurors, and the Schedules to the Principal Act, shall, so far as may be applicable and unless and until otherwise provided by Rules of Court made under this Act, apply to juries and jurors under this Act and trials and inquiries before such jurors.

Application of Principal Act until other provision made.

5. (1.) The Governor in Council, with the concurrence of any two or more of the judges of the Supreme Court, may from time to time make Rules of Court providing for all or any of the matters necessary or convenient to give effect to this Act, and more particularly but without limiting the scope of the foregoing power make rules—

Rules of Court as to jurors and juries.

- (i.) Relating to the matters specified in the last preceding section of this Act ;
- (ii.) Directing the use of the said respective annual electoral rolls for the time being, with such modifications as may be deemed necessary, as jury lists or jury books, and that claims for enrolment as electors shall contain such particulars as may be required for this purpose ;

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- (iii.) Otherwise modifying the provisions of the Principal Act to such extent as may be necessary or convenient :

Provided that the power hereby conferred shall not extend to the modification of any provisions of the Principal Act relating to the exemption and disqualification of persons as jurors or so as in any manner to derogate from the provisions of sections two and three of this Act.

Any such rules may be made at any time after the passing of this Act.

(2.) Every such Rule of Court shall be laid before the Legislative Assembly within forty days after the making thereof, if the Legislative Assembly is then sitting, or if the Legislative Assembly is not then sitting, within forty days after the commencement of the next ensuing session.

If the Legislative Assembly, by resolution passed within one month after such rule has been so laid before it, resolves that the whole or any part of such rule ought not to continue in force, the same shall, after the date of such resolution, cease to be of any force, without prejudice nevertheless to the making of any other rule in its place or to anything done in pursuance of such rule before the date of such resolution.

But subject as aforesaid, every such Rule of Court purporting to be made in pursuance of this Act shall, after publication in the *Gazette*, be deemed to have been duly made and to have been within the powers of this Act.

Consequent
repeal of
superseded
provisions.

(3.) After the making of Rules of Court dealing with matters specified in this section, so much of the provisions of the Principal Act as are mentioned in a Proclamation in that behalf by the Governor in Council made with the concurrence of any two or more of the judges and published in the *Gazette*, shall be repealed as from a date to be fixed by such Proclamation.
