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Number 4 of 1976

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**JURIES ACT, 1976**

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AN ACT TO AMEND THE LAW RELATING TO JURIES

[2nd March, 1976]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY

1.—This Act may be cited as the Juries Act, 1976.

Short title

2.—(1) In this Act—

"county" means an administrative county;

"jury summons" means a summons under section 12;

"the Minister" means the Minister for Justice.

Interpretation

(2) References in this Act to any enactment shall be construed as references to that enactment as amended or extended by any subsequent enactment, including this Act.

(3) (a) A reference in this Act to a section or Schedule means a reference to a section of, or a Schedule to, this Act, unless it is indicated that reference to some other enactment is intended.

(b) A reference in this Act to a subsection is a reference to the subsection of the section in which the reference occurs unless it is indicated that reference to some other provision is intended.

3.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Expenses

4.—Each enactment mentioned in the Second Schedule is hereby repealed to the extent specified in column (3) of that Schedule.

Repeals

PART II

QUALIFICATION AND LIABILITY FOR SERVICE AS A JUROR

5.—(1) Subject to the provisions of this section, each county shall be a jury district and for this purpose the county boroughs of Dublin, Cork, Limerick and Waterford shall be deemed to form part of the counties of Dublin, Cork, Limerick and Waterford respectively.

Jury districts

(2) The Minister may by order divide a county into two or more jury districts or limit a jury district to a part or parts of a county.

(3) The Minister may by order revoke or vary an order under this section.

(4) Every issue that is triable with a jury shall be triable with a jury called from a panel of jurors drawn from the jury district in which the court is sitting.

Qualification and liability for jury service 6.—Subject to the provisions of this Act, every citizen aged eighteen years or upwards and under the age of seventy years who is entered in a register of Dáil electors in a jury district shall be qualified and liable to serve as a juror for the trial of all or any issues which are for the time being triable with a jury drawn from that jury district, unless he is for the time being ineligible or disqualified for jury service.

Ineligibility 7.—The persons specified in Part I of the First Schedule shall be ineligible for jury service.

Disqualification 8.—A person shall be disqualified for jury service if on conviction of an offence in any part of Ireland—

(a) he has at any time been sentenced to imprisonment or penal servitude for life or for a term of five years or more or to detention under section 103 of the Children Act, 1908, or under the corresponding law of Northern Ireland, or

(b) he has at any time in the last ten years—

(i) served any part of a sentence of imprisonment or penal servitude, being, in the case of imprisonment, a sentence for a term of at least three months, or

(ii) served any part of a sentence of detention in Saint Patrick's Institution or in a corresponding institution in Northern Ireland, being a sentence for a term of at least three months.

Excusal from service 9.—(1) A county registrar shall excuse any person whom he has summoned as a juror under this Act if—

(a) that person is one of the persons specified in Part II of the First Schedule and informs the county registrar of his wish to be excused, or

(b) that person shows to the satisfaction of the county registrar that he has served on a jury, or duly attended to serve on a jury, in the three years ending with the service of the summons on him, or

(c) that person shows to the satisfaction of the county registrar that, at the conclusion of a trial, a judge of any court has excused him from jury service for a period that has not terminated.

(2) A county registrar may excuse any person whom he has summoned as a juror from attendance during the whole or any part of the sittings in question if that person shows to the registrar's satisfaction that there is good reason why he should be so excused.

(3) If a person summoned as a juror under this Act is unable, owing to illness or any other reason, to make any representation to a county registrar under subsection (1) or (2), another person may make the representation on his behalf.

(4) A person whom the county registrar has refused to excuse may appeal against the refusal to the court at which he has been summoned to attend.

(5) The procedure for the appeal, including the designation of the judge to hear the appeal, and the time within which and the manner in which it should be brought, shall be as provided by directions of the President of the High Court and the President of the Circuit Court respectively.

(6) The decision of the court shall be final.

(7) When a person is required to be in attendance as a juror at a court during a sitting, the judge shall have the same duty or discretion, as the case may be, as that imposed or conferred on the county registrar under this section to excuse that person from attendance or further attendance. The judge may also, for good reason, excuse the juror during the course of a trial from further service as a juror in the trial.

(8) The judge of any court may, at the conclusion of a trial of an exceptionally exacting nature, excuse the members of the jury from jury service for such period as the judge may think fit.

PART III

SELECTION AND SERVICE OF JURORS

10.—For the purpose of enabling county registrars to empanel and summon jurors, every county council and corporation of a county borough, as registration authority under section 7 (1) of the Electoral Act, 1963, shall as soon as practicable after the passing of this Act deliver to the county registrar for the county such number of copies of the then current register of Dáil electors for the county or county borough as the county registrar may require and shall do likewise as soon as practicable after the publication of every similar register thereafter.

Supply of electoral registers  
1963, No. 19

11.—Each county registrar, using a procedure of random or other non-discriminatory selection, shall draw up a panel of jurors for each court from the register or registers delivered to him under section 10 (omitting persons whom he knows or believes not to be qualified as jurors).

Empanelling of jurors

12.—(1) Each county registrar shall cause a written summons, in such form as the Minister may by regulations prescribe, to be served on every person whom he has selected as a juror requiring him to attend as a juror at the court in question on the day and at the time specified in the summons and thereafter at the times directed by the court.

Summoning of jurors

(2) A jury summons served on a person under this section shall be accompanied by a notice informing him—

- (a) of the effect of sections 6, 7, 8, 9 (1), 35 and 36, and
- (b) that he may make representations to the county registrar with a view to obtaining a withdrawal of the summons, if for any reason he is not qualified for jury service or wishes or is entitled to be excused.

13.—(1) A jury summons may be sent by post or delivered by hand.

Service of jury summons

(2) For the purposes of section 18 of the Interpretation Act, 1937, a letter containing a jury summons shall be deemed to be properly addressed if it is addressed to the juror at, his address as shown in the current register of Dáil electors.

(3) In any proceedings for an offence of non-attendance in compliance with a jury summons or of not being available when called upon to serve as a juror—

(a) a certificate by the county registrar or an officer acting on his behalf that the registrar or officer posted a letter containing the summons addressed as provided in subsection (2) shall be evidence of the fact so certified;

(b) a certificate by the county registrar or an officer acting on his behalf or a member of the Garda Síochána that he personally delivered the summons to the juror on a specified date shall be evidence of the fact so certified, and

(c) a certificate by the registrar or other officer acting as registrar of a court that a person summoned to attend as a juror in that court failed to answer to his name when it was called out in court shall be evidence that that person failed to attend in compliance with the summons, or was not available when called on to serve, as the case may be.

(4) A document purporting to be a certificate under this section of a county registrar, or officer acting on his behalf, officer of a court or member of the Garda Síochána and to be signed by him shall be deemed, for the purposes of this section, to be such a certificate and to be so signed unless the contrary is proved.

Summoning of jurors to make up deficiency

14.—(1) If it appears to a judge of a court that a jury to try any issue before the court will or may be incomplete, the judge may require any persons (being person; qualified and liable to serve as jurors in that court) to be summoned by the county registrar in order to make up the number needed.

(2) The judge shall specify the area from which persons may be summoned (which may be the area in the vicinity of the court) and the method of summons, whether by written notice or otherwise.

(3) Section 9 shall apply to persons summoned under this section except that there shall not be an appeal from the county registrar.

(4) The names of persons summoned under this section shall be added to the panel of jurors.

Selection of jury from panel

15.—(1) The selection of persons empanelled as jurors to serve on a particular jury shall be made by balloting in open court.

(2) The power of summoning jurors under section 14 may be exercised after balloting has begun, as well as earlier, and if it is exercised after balloting has begun the judge may dispense with balloting for persons summoned under that section.

(3) Before the selection is begun the judge shall warn the jurors present that they must not serve if they are ineligible or disqualified and as to the penalty under section 36 for doing so; and he shall invite any person who knows that he is not qualified to serve or who is in doubt as to whether he is qualified or who may have an interest in or connection with the case or the parties to communicate the fact to the judge (either orally or otherwise as the judge may direct or authorise) if he is selected on the ballot.

(4) The foreman shall be such member as the jurors shall choose and the choice shall be made at such time as the judge may direct or, in the absence of a direction, before the jury bring in their verdict or make any other communication to the judge.

16.—(1) Every person shall be entitled to reasonable facilities to inspect a panel of jurors free of charge and a party to any proceedings, civil or criminal, to be tried with a jury shall be entitled to a copy free of charge on application to the county registrar. Inspection of jury panel

(2) The rights under subsection (1) shall be exercisable at any time between the issue of the summonses and the close of the trial or the time when it is no longer possible to have a trial with a jury.

(3) The panel referred to in subsection (1) is the panel as prepared for and in advance of the sittings, including any supplemental panel so prepared, and it shall not be necessary to indicate in it that any of the persons in it have been excused in the meantime, or to include any persons summoned under section 14.

(4) The right to inspect the panel shall, however, include a right to be shown, on request, all alterations to the panel and the names of any persons summoned under section 14 and, on request, to be told of any excusals.

17.—(1) When swearing a juror the registrar or other officer acting as registrar shall call out the juror's name and direct him to take the Testament in his hand and shall administer the oath to him in accordance with sections 18 and 19. Mode of swearing a jury

(2) The jurors shall be sworn separately.

(3) Any juror who objects to be sworn in the ordinary manner shall make his objection immediately after his name is called out and before the administration of the oath to him has begun.

(4) Every challenge of a juror shall be made immediately after his name is called out and before the administration of the oath to him has begun.

(5) If any juror refuses to be sworn or insists on being sworn in a manner not authorised by this Act or otherwise by law, he shall not be included in the jury then being sworn.

(6) For the purposes of this section the administration of an oath shall be deemed to be begun when the registrar or other officer begins to say the words of the oath to the juror being sworn.

(7) In this section and in the next following section the word "Testament" means, in the case of a person of the Christian faith, the New Testament and, in the case of a person of the Jewish faith, the Old Testament.

18.—(1) The ordinary manner of administering the oath shall be as follows:

Administration of oath to jurors

The juror to be sworn shall hold the Testament in his uplifted hand and the registrar or other officer shall say to the juror the words "I swear by Almighty God that....." followed by the appropriate form of oath provided by section 19 and the juror shall repeat after him the words so spoken by him.

(2) The Oaths Act, 1888 (which provides for the making of an affirmation instead of an oath) and also every Act for the time being in force authorising an oath to be taken in a court in any particular manner shall apply to the oaths required by this Act to be taken by jurors.

(3) A juror who states that he has a religious belief but that he is neither of the Christian nor of the Jewish faith may, if the judge so permits, be sworn in any manner that the juror states to be binding on him.

(4) The oath shall be administered to every juror in the ordinary manner without question unless the juror appears to be physically incapable of taking the oath in that manner or objects to taking the oath in that manner and satisfies the judge that he is entitled to take the oath in some other manner.

Forms of oaths to be taken by jurors

19.—(1) Whenever the issue to be tried is whether an accused person is or is not guilty of an offence, the form of oath to be administered to the jurors shall, be as follows:

"I will well and truly try the issue whether the accused is (*or are*) guilty or not guilty of the offence (*or the several offences*) charged in the indictment preferred against him (*or her or them*) and a true verdict give according to the evidence."

(2) Whenever the issue to be tried is whether an accused person is or is not competent to plead, the form of oath to be administered to the jurors shall be as follows:

"I will well and diligently inquire whether (*stating, the name of the accused person*), the prisoner at the bar, be insane or not and a true verdict give according to the best of my understanding."

(3) Whenever the issue to be tried is not one of the issues hereinbefore expressly provided for, the form of oath to be administered to the jurors shall be as follows:

"I will well and truly try all such issues as shall be given to me to try and true verdicts give according to the evidence."

Challenges without cause shown

20.—(1) In every trial of a civil issue which is tried with a jury each party may challenge without cause shown seven jurors and no more.

(2) In every trial of a criminal issue which is tried with a jury the prosecution and each accused person may challenge without cause shown seven jurors and no more.

(3) Whenever a juror is lawfully challenged without cause shown, he shall not be included in the jury.

Challenges for cause shown

21.—(1) In every trial of a civil issue which is tried with a jury any party may challenge for cause shown any number of jurors.

(2) In every trial of a criminal issue which is tried with a jury the prosecution and each accused person may challenge for cause shown any number of jurors.

(3) Whenever a juror is challenged for cause shown, such cause shall be shown immediately upon the challenge being made and the judge shall then allow or disallow the challenge as he shall think proper.

(4) Whenever a juror is challenged for cause shown and such challenge is allowed by the judge, the juror shall not be included in the jury.

22.—(1) In the trial of any issue with a jury the judge may, at any time after the jurors have been sworn and before they have given their verdict, by order direct that the jurors shall have a view of any place specified in the order which in the opinion of the judge it is expedient for the purposes of the trial that the jurors should see, and when any such order is made the judge may adjourn the trial at such stage and for such time as appears to him to be convenient for the execution of the order. View by jury

(2) In the trial of a civil issue, an order under this section shall be made only on the application of one of the parties and the expenses of the conveyance of the jurors to and from the place specified in the order shall be paid in the first instance by the party on whose application the order was made but shall be included in the costs of that party and be ultimately borne accordingly.

(3) In the trial of a criminal issue, an order under this section shall be made only on the application of the prosecution or of the accused person or of one or more of the accused persons and the expenses of the conveyance of the jurors to and from the place specified in the order shall be paid by the county registrar or other officer acting as registrar to the court during the trial out of moneys to be provided by the Oireachtas.

(4) Whenever a judge makes an order under this section, he shall give such directions as appear to him to be expedient for the purpose of preventing undue communication with the jurors during the execution of the order.

23.—Whenever in the course of the trial of any issue a juror dies or is discharged by the judge owing to his being incapable through illness or any other cause of continuing to act as a juror, or under section 9 (7) or 24, the jury shall, unless the judge otherwise directs or the number of jurors is thereby reduced below ten, be considered as remaining properly constituted for all the purposes of the trial and the trial shall proceed and a verdict may be found accordingly. Death or discharge of juror during trial

24.—In any trial with a jury the judge may at any stage direct that any person summoned or sworn as a juror shall not serve, or shall not continue to serve, as a juror if the judge considers that for any stated reason it is desirable in the interests of justice that he should give that direction. Discontinuance of juror's service

25.—In any trial with a jury the jurors may separate before considering their verdict except where the judge otherwise directs. Separation of jurors during trial

26.—The qualification or liability of a person to serve as a juror shall not be affected by the fact that an appeal is pending under section 8 of the Electoral Act, 1963 (which relates to appeals regarding the register of electors). Non-effect of appeals as to electoral register on jury service

## PART IV

### GENERAL

27.—With a view to securing consistency in the administration of this Act, the Minister may issue instructions to county registrars with regard to the practice and the procedure to be adopted by them in the discharge of their duties under this Act; but nothing in this section shall authorise the Minister to issue any instruction as to whether particular persons should Administrative instructions

or should not be summoned for service as jurors or, if summoned, should or should not be excused from attendance in accordance with the summons.

- Person standing mute 28.—Whenever a person charged with an offence to be tried with a jury stands mute when called upon to plead, the issue whether he is mute of malice or by the visitation of God shall be decided by the judge and, if the judge is not satisfied that he is mute by the visitation of God, the judge shall direct a plea of not guilty to be entered for him.
- Jury service by employees and apprentices 29.—(1) For the purposes of any contract of service or apprenticeship or any agreement collateral thereto (including a contract or agreement entered into before the passing of this Act), a person shall be treated as employed or apprenticed during any period when he is absent from his employment or apprenticeship in order to comply with a jury summons.
- (2) Any provision contained in any such contract or agreement shall be void in so far as it would have the effect of excluding or limiting any liability of the employer in respect of the payment of salary or wages to the employee or apprentice during any such absence.
- Commission *de lunatico inquirendo* 30.—Whenever a panel of jurors is lawfully in attendance before a commissioner under a commission *de lunatico inquirendo*, then, for the purposes of this Act, the commissioner shall be deemed to be a court and also a judge of the court.
- Liability to serve on coroner's jury 31.—Every citizen of the age of eighteen years or upwards and under the age of sixty-five years residing in a coroner's district shall be qualified and liable to serve on the jury at any coroner's inquest held in that district unless he is ineligible or disqualified under this Act for jury service or is among the persons specified in Part II of the First Schedule.
- Non-application of provisions to coroners' inquests 32.—Nothing in this Act except section 31 shall apply to a coroner's inquest, and in this Act the word "jury" does not include a jury at such an inquest and the word "juror" does not include a juror serving on such a jury.
- Restriction of functions of sheriff 33.—The powers and duties conferred and imposed on a county registrar under this Act shall be exercised and performed by him notwithstanding anything in section 12 of the Court Officers Act, 1945 (which refers to the duties of sheriffs) or in any order made thereunder.

## PART V

### OFFENCES

- Failure of juror to attend court etc. 34.—(1) Any person who, having been duly summoned as a juror, fails without reasonable excuse to attend in compliance with the summons or to attend on any day when required by the court shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.
- (2) A juror who, having attended in pursuance of a summons, is not available when called upon to serve as a juror, or is unfit for service by reason of drink or drugs, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.
- (3) Except in a case to which section 14 applies, a person shall not be guilty of an offence under subsection (1) in respect of failure to attend in compliance with a summons unless the



summons was served at least fourteen days before the date specified therein for his first attendance.

35.—(1) If any person who has been duly summoned as a juror makes or causes or permits to be made on his behalf a false representation to the county registrar or any person acting on his behalf, or to a judge, with the intention of evading jury service, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50. False statements by or on behalf of juror

(2) If any person makes or causes or permits to be made on behalf of another person duly summoned as a juror a false representation in order to enable that other person to evade jury service, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

(3) If any person refuses without reasonable excuse to answer, or gives an answer known to him to be false in a material particular, or recklessly gives an answer that is false in a material particular, when questioned by a judge of a court for the purpose of determining whether that person is qualified to serve as a juror, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

36.—(1) Any person who serves on a jury knowing that he is ineligible for service shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50. Service by ineligible or disqualified person

(2) Any person who serves on a jury knowing that he is disqualified shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

37.—Any person who, on being called upon to be sworn as a juror, refuses to be sworn in a manner authorised by this Act or otherwise by law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50. Refusal to be sworn as a juror

## FIRST SCHEDULE

Sections 7, 9, 31.

### PERSONS INELIGIBLE AND PERSONS EXCUSABLE AS OF RIGHT

#### PART I

##### PERSONS INELIGIBLE

Uachtarán na h-Éireann.

##### *Persons concerned with administration of justice*

Persons holding or who have at any time held any judicial office within the meaning of the Courts (Establishment and Constitution) Act 1961 (No. 38).

Coroners, deputy coroners and persons appointed under section 5 (2) of the Local Authorities (Officers and Employees) Act 1926 (No. 39) to fill the office of coroner temporarily.

The Attorney General and members of his staff.

The Director of Public Prosecutions and members of his staff.

Barristers and solicitors actually practising as such.

Solicitors' apprentices, solicitors' clerks and other persons employed on work of a legal character in solicitors' offices.

Officers attached to a court or to the President of the High Court and officers and other persons employed in any office attached to a court or attached to the President of the High Court.

Persons employed from time to time in any court for the purpose of taking a record of the proceedings of the court.

Members of the Garda Síochána.

Prison officers and other persons employed in any prison, Saint Patrick's Institution or any place provided under section 2 of the Prisons Act 1970 (No. 11) or in any place in which persons are kept in military custody pursuant to section 2 of the Prisons Act 1972 (No. 7) or in any place specified to be used as a prison under section 3 of the latter Act, chaplains and medical officers of, and members of visiting committees for, any such establishment or place.

Persons employed in the welfare service of the Department of Justice.

A person in charge of, or employed in, a forensic science laboratory.

*Members of the Defence Forces*

Every member of the Permanent Defence Force, including the Army Nursing Service.

Every member of the Reserve Defence Force during any period during which he is in receipt of pay for any service or duty as a member of the Reserve Defence Force.

*Incapable persons*

A person who because of insufficient capacity to read, deafness or other permanent infirmity is unfit to serve on a jury.

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

- (a) is resident in a hospital or other similar institution, or
- (b) regularly attends for treatment by a medical practitioner.

## PART II

### PERSONS EXCUSABLE AS OF RIGHT

Members of either House of the Oireachtas.

Members of the Council of State.

The Comptroller and Auditor General.

The Clerk of Dáil Éireann.

The Clerk of Seanad Éireann.

A person in Holy Orders.

A regular minister of any religious denomination or community.

Vowed members of any religious order living in a monastery, convent or other religious community.

The following persons if actually practising their profession and registered (including provisionally or temporarily registered), enrolled or certified under the statutory provisions relating to that profession

Medical practitioners:

Dentists;

Nurses;

Midwives;

Veterinary surgeons;

Pharmaceutical chemists.

A member of the staff of either House of the Oireachtas on a certificate from the Clerk of that House that it would be contrary to the public interest for the member to have to serve as a juror because he performs essential and urgent services of public importance that cannot reasonably be performed by another or postponed.

Heads of Government Departments and Offices and any civil servant on a certificate from the head of his Department or Office that it would be contrary to the public interest for the civil servant to have to serve as a juror because he performs essential and urgent services of public importance that cannot reasonably be performed by another or postponed.

Any civilian employed by the Minister for Defence under section 30 (1) (g) of the Defence Act 1954 (No. 18) on a certificate from the Secretary of the Department of Defence that it would be contrary to the public interest for the civilian to have to serve as a juror because he performs essential and urgent services of public importance that cannot reasonably be performed by another or postponed.

Chief officers of local authorities for the purposes of the Local Government Act 1941 (No. 23), health boards established under the Health Act 1970 (No. 1) and harbour authorities within the meaning of the Harbours Act 1946 (No. 9) and any employee of a local authority, health board or harbour authority on a certificate from its chief officer that it would be contrary to the public interest for the employee to have to serve as a juror because he performs essential and urgent services of public importance that cannot reasonably be performed by another or postponed.

The head or principal teacher of the college of a university, of a school or other educational institution, and any professor, lecturer or member of the teaching staff of any such institution on a certificate from such head or principal teacher that the person concerned performs services in the institution that cannot reasonably be performed by another or postponed.

Whole-time students at any such educational institution as is mentioned in the preceding paragraph.

The secretary to the Commissioners of Irish Lights and any person in the employment of the Commissioners on a certificate from the secretary that the person concerned performs services for the Commissioners that cannot reasonably be performed by another or postponed.

Masters of vessels duly licensed pilots and duly licensed aircraft commanders.

Persons aged sixty-five years or upwards and under the age of seventy years.

## SECOND SCHEDULE

## REPEALS

Number and Year (1)	Short Title (2)	Extent of repeal (3)
1908, c.48	Post Office Act, 1908.	In section 43, the words "or on any jury or inquest,".
1919, c.71	Sex Disqualification (Removal) Act, 1919.	So much of section 1 as empowers a judge to order an all-male or all-female jury.
No. 23 of 1927	Juries Act, 1927.	The whole Act.
No. 27 of 1930	Local Government (Dublin Act) 1930.	Section 23 (4).
No. 48 of 1936	Courts of Justice Act, 1936.	Section 80.
No. 21 of 1940	Local Government (Dublin) (Amendment) Act, 1940.	Section 9 (3).
No. 24 of 1945	Juries Act, 1945.	The whole Act.
No. 18 of 1954	Defence Act, 1954.	Section 105.
No. 11 of 1961	Juries Act, 1961.	The whole Act.
No. 9 of 1962	Coroners Act, 1962.	Sections 42 and 59.
No. 19 of 1963	Electoral Act, 1963.	In section 7 (1), the words "after consultation with the Minister for Justice,". Sections 7 (2) (b), (6) and (8) and 8 (5).
No. 5 of 1964	Criminal Justice Act, 1964.	Section 7.