



BILLE NA nGIURITHE, 1945.

JURIES BILL, 1945.

EXPLANATORY MEMORANDUM.

Sections 2, 3 and 4.

The purpose of these sections is to alter the dates prescribed in Part III of the Juries Act, 1927, within or before which certain things must be done each year in connection with the preparation, revision and settlement of jurors lists and applications by exempted persons for inclusion in such lists. These alterations have been rendered necessary by the changes in dates effected by the Electoral (Dáil Eireann and Local Authorities) Act, 1945, as regards the preparation of electors lists. The preparation and revision of jurors and electors lists go hand in hand, the work being done at the same time by the same officials, and the relevant dates must, therefore, coincide.

Section 5.

Under the present law, as contained in subsection (2) of section 63 of the 1927 Act, juries in certain classes of cases are not permitted to separate until the trial has concluded. When the jury happens to consist of persons of different religions and the trial is prolonged over a Sunday or Church holy-day, the jurors must either attend together at the same religious service or not attend any religious service. The refusal of any one juror to attend with the eleven others makes it impossible for them to attend either. The object of the section is to allow each juror to attend whatever religious service he desires to attend, or not to attend any service, without thereby inconveniencing the other jurors.

Section 6.

At present, if a juror falls ill during the course of a trial, he may be discharged and the trial may proceed and a verdict found unless the Judge otherwise directs or the number of jurors is reduced below ten (section 64 of the 1927 Act). There is, however, no power to discharge a juror whose wife or child or other near relation may have died or become seriously ill. This might involve serious hardship or distress for the parties concerned. It is accordingly proposed in section 6 to give a discretionary power to the Judge to discharge a juror in the circumstances mentioned. Subsection (2) makes provision corresponding to that in section 64 of the 1927 Act for the continuation of the trial despite the discharge of a juror.

Section 7.

This section deals with the summoning of jurors and any duties subsequent to the summoning in civil cases in the High Court.

At present these duties are divided between the Master of the High Court and the under-sheriff for the County of Dublin. It is considered simpler and better to entrust these duties to the Registrar of the High Court who deals generally with jury trials under the direction of the President of the High Court.

Section 8.

This section deals with the rare case of juries required in lunacy matters in the High Court. The section proposes to entrust the summoning, etc., of jurors in such cases to the Registrar of Wards of Court. The only change which this involves, as compared with the existing position, is to relieve the under-sheriff for County

Dublin of the duty of summoning such of those jurors as reside in the county.

Neither section 8 nor section 9 will affect the selection of jurors who are to be summoned: they will continue to be selected from the general body of persons who are enrolled as jurors for the City and County of Dublin in the same manner as at present.

Roinn Dlí agus Cirt.

Meitheamh, 1945.