



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

JURY ACT

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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JURY ACT

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JURY ACT CHAPTER J-5.1

1. Definitions

In this Act

- (a) repealed by 2008, c.20, s.72;
- (b) “**judge**” means a judge of the Supreme Court;
- (c) “**juror**” means a person sworn as a juror under subsection 16(3);
- (d) “**jury list**” means the list of names of the persons summoned by a sheriff to serve as jurors under subsection 8(6);
- (e) “**jury panel**” means the persons who attend at court and from whom a jury may be selected for the trial of an action or issue by jury;
- (f) “**jurors roll**” means a jurors roll prepared under subsection 8(2);
- (g) “**Registrar**” means the Registrar of the Court of Appeal and the Supreme Court, and includes a deputy registrar of the Court of Appeal or the Supreme Court;
- (h) “**sheriff**” means the sheriff of the county in which the court is sitting and includes a person delegated to carry out any of the sheriff’s duties;
- (i) “**sitting**” means a sitting of the court and includes the setting down by the Registrar or the court of a matter for the trial of civil or criminal cases or for the selection of a jury and the hearing of a single trial. 1992, c.37, s.1; 2008, c.20, s.72(52); 2021, c.11, s.1.

2. Application

- (1) Except as otherwise stated or where this Act is inconsistent with the *Criminal Code* (Canada) or with any other statute of Canada respecting criminal procedure, this Act applies to civil and criminal proceedings tried by a jury in Prince Edward Island.

Coroner’s inquest etc.

- (2) Nothing in this Act extends to any inquest to be taken by or before any coroner or to any inquiry to be made by or before any sheriff. 1992, c.37, s.2.

3. Jury trials

- (1) In the court, a party may, by filing a jury notice in accordance with the rules of court, require that the issues of fact be tried or the damages assessed, or both, by a jury, unless otherwise provided.

Trials without a jury

- (2) Actions in which a claim is made for any of the following kinds of relief shall be heard without a jury:
 - (a) injunction or mandatory order;

- (b) partition or sale of property;
- (c) relief in relation to matters over which the Family Section of the Supreme Court has jurisdiction;
- (d) dissolution of a partnership or taking of partnership or other accounts;
- (e) foreclosure or redemption of a mortgage;
- (f) sale and distribution of the proceeds of property subject to any lien or charge;
- (g) execution of a trust;
- (h) rectification, setting aside or cancellation of a deed or other written instrument;
- (i) specific performance of a contract;
- (j) declaratory relief;
- (k) other equitable relief;
- (l) relief against a municipality; and
- (m) actions in which the Small Claims Section of the Supreme Court has jurisdiction.

Idem

- (3) On application, the court may order that the issues of fact be tried or damages assessed, or both, without a jury.

Specifying negligent acts

- (4) Where a proceeding for the recovery of loss or damage sustained by any person by reason of a motor vehicle upon a highway is tried with a jury, the judge may direct the jury to specify negligent acts that caused the damages or injuries in respect of which the proceeding is brought.

Malicious prosecution

- (5) In an action for malicious prosecution, the trier of fact shall determine whether or not there was reasonable and probable cause for instituting the prosecution. *1992, c.37, s.3; 2008, c.20, s.72(52).*

4. Qualifications of jurors

Every person who is

- (a) resident in Prince Edward Island;
- (b) a Canadian citizen; and
- (c) eighteen years of age or older,

is qualified to serve as a juror. *1992, c.37, s.4.*

5. Disqualification from jury service

The following persons are disqualified from serving as jurors:

- (a) member of the Privy Council, the Senate or the House of Commons of Canada;
- (b) members, officers and employees of the Legislative Assembly of Prince Edward Island and the Executive Council;
- (c) judges of the Provincial Court, judges of the Supreme Court and justices of the peace and coroners, whether retired or not;
- (d) barristers, solicitors and attorneys, whether or not they are practising, and articled clerks;

- (e) persons engaged in the administration of justice, including,
 - (i) members and employees of any police force,
 - (ii) probation officers,
 - (iii) employees of the Department of Justice and Public Safety,
 - (iv) employees of the Department of Justice of Canada or the Department of the Solicitor General of Canada, and
 - (v) a court officer of any court of justice whether of general or local jurisdiction including every sheriff, sheriff's officer, constable or bailiff;
- (f) spouses of persons mentioned in clauses (a) to (e);
- (g) persons confined in an institution;
- (h) persons who are certified incompetent;
- (i) a person convicted within the previous five years of an offence for which the punishment could have been a fine of \$3,000 or more or a sentence of imprisonment exceeding twelve months, unless pardoned; and
- (j) persons who are unable to understand the language in which the trial is to be conducted. *1992, c.37, s.5; 1993, c.29, s.4; 1997, c.20, s.3; 2000, c.5, s.3; 2010, c.31, s.3; 2010, c.14, s.3; 2012, c.17, s.2; 2015, c.28, s.3.*

6. Exemptions from jury service

- (1) The following persons may be exempted from serving as jurors:
 - (a) a person who is practising member of a religion or religious order whose beliefs are incompatible with service as a juror;
 - (b) a person who has served on a jury within two years of his or her most recent summons to serve as a juror;
 - (c) a person for whose service on a jury would result in serious hardship, loss or inconvenience to that person, to others or to the general public;
 - (d) a person who suffers from a physical, mental or other infirmity that is incompatible with the discharge of the duties of a juror;
 - (e) a person who has reached the age of sixty-five years.

Relief from jury service

- (2) A person who is summoned to serve as a juror and who wishes to seek relief from jury service shall apply to be relieved from attendance as a juror by submitting to the sheriff of the county in which the jury is to sit, at least five days prior to the opening of the court for which he is summoned, an application for relief from jury service.

Idem

- (3) Where a person applies in accordance with subsection (2) and the sheriff is satisfied that the person is disqualified under section 5, or eligible for exemption under subsection (1), the sheriff shall relieve the person from jury service.

Application to judge for relief

- (4) If the sheriff refuses to relieve a person, that person may either
 - (a) on application, prior to the date on which the person has been summoned to attend for the selection of the jury, appeal to any judge; or
 - (b) at the time of the selection of the jury, appeal to the judge who is presiding at the jury selection.

Idem

- (5) Where a person who is summoned to serve as a juror wishes to seek relief from jury service after the expiration of the fifth day preceding the opening of the court for which the person is summoned, the person shall apply to a judge to be relieved from attendance as a juror.

No appeal

- (6) No appeal lies from a refusal of an application under subsection (4) or (5).

Evidence

- (7) The sheriff or the judge may require any evidence that he or she considers appropriate to support an application under this section. *1992, c.37, s.6.*

7. Application for relief

Where an application for relief from jury service is received by the sheriff, the sheriff shall process it and immediately advise the applicant by telephone, FAX or electronic mail or by sending to the applicant at the indicated address a reply to application for relief from jury service in the form prescribed in the regulations. *1992, c.37, s.7; 1995, c.32, s.4.*

8. Definition

- (1) In this section, “**contact information**” means, in respect of a person whose name is to be added to the jurors roll, the person’s
- (a) address;
 - (b) telephone number; and
 - (c) any other information specified in the regulations.

Sheriff to prepare jurors roll

- (2) The sheriff shall prepare a jurors roll by requisitioning from time to time from the person in charge of the register of the names of Prince Edward Island residents registered under the *Health Services Payment Act R.S.P.E.I. 1988, Cap. H-2*, the number of names and corresponding contact information which the sheriff anticipates will be required in the county pursuant to subsection (4), and no other information shall be transmitted.

Names and addresses to be forwarded to sheriff

- (3) Notwithstanding any other Act, upon receipt of a requisition from the sheriff pursuant to subsection (2), the person in charge of the register described in subsection (2) shall randomly select the requisitioned number of names and corresponding contact information and no other information from the register, except the requisitioned names and contact information, shall be forwarded to the sheriff.

Sheriff to prepare jury list

- (4) When a judge or the Registrar has fixed a time and place for the hearing of a trial by judge and jury, the Registrar shall, within four days of the date being set, direct the sheriff to prepare a jury list by summoning a sufficient number of persons from which the jury is to be selected.

Random selection by sheriff

- (5) Upon being directed to summon a jury the sheriff shall randomly select a sufficient number of names and contact information from the names and contact information provided to the sheriff pursuant to subsection (3).

Selection in presence of Registrar

- (6) The selection made pursuant to subsection (5) shall be done in the presence of the Registrar and the names selected with the corresponding contact information shall be recorded on a list in the form prescribed in the regulations, which shall be signed by the sheriff and the Registrar.

Sheriff to summon jury

- (7) At least 14 days before the day upon which the appearance is to be made, the sheriff shall summon the required number of persons.

Summoning jury

- (8) The sheriff shall summon or cause to be summoned every person bound to serve as a juror with
- (a) a juror information return and summons in the form prescribed in the regulations; and
 - (b) an application for relief from jury service, in duplicate, together with an envelope addressed to the sheriff with postage pre-paid.

Service

- (9) The summons referred to in subsection (8) shall be made
- (a) by delivering it to the person at the person's usual residence or place of employment, or if the person is absent from that usual residence or place of employment, by leaving it with some person residing there or employed there, as the case may be, who appears to be at least sixteen years of age; or
 - (b) by sending it to the person by registered mail.

Use of jury list

- (10) A single jury list may be established to serve a single sitting or two or more simultaneous sittings. *1992, c.37, s.8; 2021, c.11, s.2.*

9. Obligation of person served

Every person who is served with a juror information return and summons in accordance with subsection 8(8) shall accurately and truthfully complete it and mail or deliver one copy of the completed document to the sheriff of the county from which it was served within five days after its receipt or within any other time that the sheriff may direct. *1992, c.37, s.9; 2021, c.11, s.3.*

10. French jury list

- (1) Notwithstanding section 8, where a trial is to be held in the French language, the sheriff may compile a list of names and addresses of persons who speak the French language in the county in which the sheriff has jurisdiction.

Method of obtaining jury list

- (2) For the purpose of compiling the list pursuant to subsection (1), the sheriff may cooperate with any department of the Government of Canada or the Government of Prince Edward Island, person, association, organization or institution that has available the names and addresses of French-speaking persons in the county in which the trial is to be held.

Sheriff to keep a record

- (3) The sheriff shall keep a record of persons who indicate on their juror information returns an ability to speak in the French language.

Use of list

- (4) The list compiled pursuant to subsections (1), (2) and (3) may be used as an alternative source for names and addresses of prospective jurors for use when a trial is to be held in the French language. *1992, c.37, s.10.*

11. Master list

- (1) The sheriff shall prepare a list showing
- (a) the names of persons to whom a juror information return and summons was sent;
 - (b) the disposition of each juror information return and summons,
- and shall file the list with the Registrar no earlier than five days before the sitting for which the jury list has been prepared.

Idem

- (2) The list filed pursuant to subsection (1) is a matter of public record. *1992, c.37, s.11.*

12. Documents available for inspection

- (1) No earlier than five days prior to the sitting of the court, the sheriff shall file in the office of the sheriff each completed
- (a) juror information return and summons;
 - (b) application for relief from jury service; and
 - (c) reply to application for relief from jury service.

Examination of documents

- (2) Any party to a case to be tried by judge and jury or counsel of the party may examine the documents filed pursuant to subsection (1) in the sheriff's office. *1992, c.37, s.12.*

13. Judge may conduct inquiry

At the time of selection of the jury, the judge may

- (a) conduct any inquiries that the judge considers necessary regarding the qualifications or exclusion of any person on the jury panel;
- (b) direct the discharge from the jury panel of any person who the judge is satisfied is not qualified or is excluded; and
- (c) on the application or appeal of any person for relief from jury service relieve the person on being satisfied that the person is eligible for exemption. *1992, c.37, s.13.*

14. Challenge to jury panel

- (1) A party may challenge the selection of the jury panel on the ground that the sheriff
- (a) exercised partiality;
 - (b) wilfully misconducted himself; or
 - (c) was fraudulent,
- with respect to the selection or summoning of the jury panel.

Challenge in writing

- (2) The judge may require that a challenge under subsection (1) be made in writing.

New jury panel

- (3) When a challenge is made under subsection (1), the judge shall determine whether or not the ground of challenge is true, and if satisfied that it is true, the judge shall direct a new jury panel to be summoned. *1992, c.37, s.14.*

15. Payment of jurors

- (1) Each juror who is sitting as a juror at a trial is entitled to a fee per day or part of a day in accordance with Schedule 5 to the Fees Regulations (EC446/12) under the *Court Fees Act* R.S.P.E.I. 1988, Cap. C-27.001.

Travel expenses

- (2) A juror is entitled to be reimbursed for expenses for necessary travel in accordance with the rates set out in Schedule 5 to the Fees Regulations under the *Court Fees Act*.

Idem

- (3) A person summoned for jury duty but not selected to serve on a jury is entitled to be reimbursed for expenses for necessary travel in accordance with the rates set out in Schedule 5 to the Fees Regulations under the *Court Fees Act* as if the person were a juror.

Department responsible for payment

- (4) Except where otherwise provided in this Act, the Department of Justice and Public Safety shall pay the fees and expenses of the jurors. *1992, c.37, s.15; 1993, c.29, s.4; 1997, c.20, s.3; 2000, c.5, s.3; 2010, c.31, s.3; 2010, c.14, s.3; 2012, c.17, s.2; 2015, c.28, s.3; 2015, c.33, s.1,2; 2019, c.27, s.14.*

16. Jury selection procedure

- (1) On the date set for the trial or assessment of damages, the Registrar shall provide a container and a series of cards with numbers thereon corresponding to the number given to each person on the jury list who has not been excluded or relieved from jury service.

Cards

- (2) The Registrar shall in open court place in the container the cards, with the corresponding number of the person thereon, of all persons who have not been subject to a successful challenge and who are present.

Drawing of cards

- (3) The Registrar shall
- (a) ensure that the cards within the container are properly mixed and shall draw from the container at random the cards until the names of a sufficient number of jurors have been drawn;
 - (b) note the names of the persons selected pursuant to clause (a) in a minute book;
 - (c) swear or affirm the persons as the jury to try the issue or assess damages; and
 - (d) return to the container mentioned in subsection (1) the cards drawn that bear the names of those persons not sworn as jurors. *1992, c.37, s.16.*

17. Cards of sworn jurors

- (1) The cards bearing the names of the jurors selected pursuant to subsection 16(3) are to be kept apart by themselves until the jury
- (a) has given a verdict and the verdict has been recorded; or

(b) has been discharged by consent of the parties or by leave of the court, at which point the cards are to be returned to the container kept by the Registrar to be mixed with the other cards in the container and to be subject to a possible further selection pursuant to subsection 16(3) until no further matters requiring the services of a jury remain to be heard during the year of the selection of the jury panel.

Directions of judge

- (2) A judge may direct the Registrar not to return to the container the names of the jurors chosen for jury service.

Selection of civil jury cards

- (3) With the consent of counsel for the parties and the presiding judge, all juries required for civil trials during a sitting may be selected at the commencement of the first civil or criminal trial for the sitting. *1992, c.37, s.17.*

18. Destruction of cards

The cards deposited in the container pursuant to sections 16 and 17 may be destroyed by the Registrar after January 31 in the year following the year in which the cards were used. *1992, c.37, s.18.*

19. Challenge without cause

- (1) Each party to a civil action has the right to exercise four peremptory challenges without cause.

Consolidation of proceedings

- (2) Where separate proceedings are consolidated or ordered to be heard at the same time before the same jury, the entitlement to peremptory challenges shall be determined as if the parties to the proceedings were parties to one proceeding.

Order of challenges

- (3) A judge presiding at a proceeding may direct the order in which peremptory challenges shall be exercised.

Additional parties

- (4) Where there are two or more parties on a side, entitlement to peremptory challenges shall be determined in accordance with subsections (5) to (9).

Two peremptory challenges

- (5) Subject to subsections (6), (8) and (9), if there are two or more parties on a side, each party on that side is entitled to challenge peremptorily two of the jurors.

Parties, same counsel

- (6) Where two or more parties are represented by the same counsel, the parties represented by that counsel are entitled to challenge peremptorily as though they were one party.

Third parties

- (7) For the purposes of this section, a third party, other than one who is a plaintiff or a defendant in the proceeding, shall be deemed to be a party on the same side as the party who asserts a claim over against the third party.

Maximum

- (8) Subject to subsection (9), the total number of peremptory challenges that may be exercised in a proceeding shall not exceed twenty.

Directions of judge

- (9) Where the total of twenty peremptory challenges is reached, the judge presiding at the proceeding may adjust entitlement to peremptory challenges, and where the twenty peremptory challenges cannot be divided fairly between the sides and equally between the parties on each side, the judge may allot a total of peremptory challenges which is less than or, in exceptional circumstances, greater than twenty, but in no case may a party exercise a number of peremptory challenges greater than if the total of twenty hadn't been reached. *1992, c.37, s.19.*

20. Challenge for cause

- (1) In addition to any challenges that may be made under section 19, a party is entitled to any number of challenges for cause on the following grounds:
- (a) the name of the person does not appear on the jury list, but no misnomer or misdescription is a ground for challenge if it appears to the judge that the description given on the jury list sufficiently designates the person referred to;
 - (b) the person is not qualified for or is exempted from serving as a juror;
 - (c) the person has an interest in the proceeding or is not indifferent as between any parties to the proceeding who are adverse in interest;
 - (d) the person is a potential witness in the proceeding;
 - (e) the person suffers from a physical, mental or other infirmity that is incompatible with the discharge of the duties of a juror;
 - (f) the person is unable to understand, speak or read the language in which the trial is to be conducted.

Other grounds

- (2) No challenge for cause shall be allowed on a ground not mentioned in subsection (1).

Challenge in writing

- (3) The judge may require that a challenge under subsection (1) be made in writing.

Examination of challenge

- (4) When a challenge is made under subsection (1),
- (a) the judge shall determine whether or not the ground of challenge is true and, if satisfied that the ground of challenge is true, shall discharge the person; and
 - (b) the party making the challenge or any other party to the action may call the challenged person as a witness and adduce any evidence that the judge considers relevant respecting the issue of whether or not the challenge is true. *1992, c.37, s.20.*

21. Insufficient number of jurors

- (1) Where the full number of jurors required for a trial cannot be provided, the court may order the sheriff forthwith to summon such number of persons, whether qualified or not, as the court considers necessary in order to make a full jury; and those persons may, if necessary, be summoned by word of mouth.

Additional panel

- (2) The names of the persons summoned under subsection (1) shall be added to the list containing the names and addresses comprising the jury panel for the purpose of the trial of the matter, and the same proceeding shall be taken as to calling and challenging those persons as are herein provided with respect to persons on the original jury panel. *1992, c.37, s.21.*

22. Jurors to be present

Persons required to attend at court for the purpose of jury duty and who are sitting as jurors shall continue to attend at court until discharged from attendance by the presiding judge. *1992, c.37, s.22.*

23. Same jury may try several issues

Notwithstanding section 16, the presiding judge may

- (a) where no objection is made by a party, try an issue or assess damages with a jury previously drawn to try an issue or assess damages, without the cards containing their names being returned to the container and redrawn; or
- (b) where both parties consent or, where a juror may be justly challenged or excused, order a juror to withdraw or retire, cause another name to be drawn from the container in accordance with section 16 and try the issue or assess the damages with the remaining members of the original jury and the new juror. *1992, c.37, s.23.*

24. Civil trial by seven jurors

In civil proceedings a jury consists of seven jurors, and

- (a) if the jury is unable to agree upon a verdict after being kept in deliberation for three hours, any five jurors may return a verdict or answer a question put to the jury by the judge;
- (b) a verdict or answer given by five jurors has the same effect as a verdict or answer given by seven jurors. *1992, c.37, s.24.*

25. Illness of juror

Where one juror dies or in the opinion of the judge presiding at the trial, becomes unable to continue to serve as a juror for any reason, the judge may direct the trial to proceed without that juror and a verdict may be given by the remaining jurors. *1992, c.37, s.25.*

26. Deposit of money for expenses

- (1) The party demanding a civil jury shall deposit with the Registrar thirty days prior to the sitting for the jury trial any sum that the Registrar considers sufficient for the fees and expenses of the jury for the estimated length of the trial.

Order as to jury costs

- (2) If the party making the deposit under subsection (1) obtains a judgment in the proceeding, the sum paid out for expenses shall, unless the judge orders otherwise, be allowed and assessed against the unsuccessful party to the action.

Surplus money

- (3) Any surplus money remaining after payment of the expenses shall be returned to the party who made the deposit.

Failure to make a deposit

- (4) If the party demanding a civil jury does not make the deposit set out in subsection (1) that party shall not be entitled to a jury trial.

Apportionment of costs

- (5) If at any sitting more than one jury has been selected, the expenses of conducting a trial with jury shall, at the end of the trials, be apportioned between the parties and be paid as directed by a judge.

Withdrawal of jury notice

- (6) A jury notice may be withdrawn at any time by the party demanding a civil jury and that party shall be responsible for all costs resulting from the filing of the jury notice which costs may be deducted by the Registrar from the deposit made under subsection (1). *1992, c.37, s.26.*

27. Insufficient deposit

Any amount by which the actual fees and expenses of the jury exceed the amount deposited with the Registrar pursuant to subsection 26(1) is a debt due and owing to the Crown in right of Prince Edward Island and is recoverable, by action in a court of competent jurisdiction, from the party responsible for the fees and expenses of the jury. *1992, c.37, s.27.*

28. Special or general verdict

- (1) In the absence of a direction to the contrary by the judge, a jury may give a general or special verdict, but shall only give a special verdict if the judge so directs and shall not give a general verdict if directed by the judge not to do so.

Defamation

- (2) This section does not apply to an action for defamation. *1992, c.37, s.28.*

29. Determination of question of fact

- (1) A judge may direct a jury to answer a question of fact instead of giving a special or a general verdict, and, in that case
- (a) the jury shall answer the question;
 - (b) the question and the answer constitute a special verdict;
 - (c) the judge may direct judgment to be entered on the answer to the question.

Non-application

- (2) This section does not apply to an action for defamation, seduction, malicious arrest, malicious prosecution or false imprisonment. *1992, c.37, s.29.*

30. Impeachment of verdict

Failure to observe any one or more provisions of this Act is not grounds for impeaching a verdict in a civil proceeding unless a substantial miscarriage of justice results. *1992, c.37, s.30.*

31. View by jury

- (1) If it appears to the judge that in order to better understand the evidence the jurors who are to try the issues should view the place or the property in question, the judge may, before they give their verdict, order that the jurors be given that view.

Location

- (2) A judge may make an order under subsection (1) whether the place or the property to be viewed is within or outside the judicial district in which the trial is taking place.

Content of order

- (3) The order shall contain
- (a) directions to the sheriff as to the manner in which and the persons by whom, the place or the property in question is to be shown to the jurors;
 - (b) directions or terms respecting costs; and
 - (c) any other directions or terms that under the circumstances the judge considers necessary. *1992, c.37, s.31.*

32. Separation of jury

- (1) A judge may, during the course of a trial, allow the jurors to separate.

Jury under sheriff's charge

- (2) Where permission to separate cannot be given or is not given, the jury shall be kept under the charge of the sheriff as the judge directs, and the sheriff shall prevent the jurors from communicating with anyone other than the sheriff or another member of the jury without leave of the judge.

Publication of information

- (3) Where the jurors separate pursuant to subsection (1), no person shall, before the jury retires to consider its verdict, publish in any newspaper or broadcast any information regarding any portion of the trial at which the jury is not present.

Fines

- (4) A person who contravenes subsection (3) is guilty of an offence and is liable, on summary conviction, to a fine of not more than \$5,000 or to imprisonment for not more than three months, or to both.

Disclosures by juror after verdict

- (5) Every person who, having been a member of a jury that has rendered its verdict or been discharged, discloses or discusses in any way the nature or content of any discussion held by the jury on which that person served is guilty of an offence and liable, on summary conviction, to a fine of not more than \$1,000, or to imprisonment for not more than one month, or to both.

Discussion concerning trial

- (6) A member of a jury for a trial who, before the jury delivers its verdict, discusses with any person other than another juror on the jury or the judge at the trial
- (a) any issue or matter raised at the trial;
 - (b) any evidence adduced at the trial; or
 - (c) a party to or witness at the trial;

is in contempt of court.

Communication with juror

- (7) Every person who is interested in any action or issue has been entered for trial by jury and every barrister, counsel or agent for any person interested in the action or issue, who, before or during the trial, knowingly, directly or indirectly, speaks to or discusses with any person who has been summoned to attend the court to act as a juror at the sitting of the court at which the trial is to be held concerning

- (a) any matter or issue raised or that may be raised at the trial;
- (b) any evidence adduced or that may be adduced at the trial; or
- (c) any party to or witness at the trial or any person who may be a witness at the trial

is in contempt of court.

Exceptions

- (8) Subsection (7) does not apply
- (a) if the person summoned to serve as a juror has been disqualified or exempted from serving; or
 - (b) after the jury for the trial has been selected and the person summoned has not been selected as a member of the jury. *1992, c.37, s.32.*

33. Where jury kept together

Where the jury is not permitted to separate in the course of a trial, the sheriff shall provide any lodgings and refreshments that the sheriff considers necessary for them and the party required to deposit jury fees shall pay the cost, as certified by the sheriff, of providing lodgings and refreshments for the jury. *1992, c.37, s.33.*

34. Offence

Every person who

- (a) is required to complete and return a juror information return and, without reasonable excuse, fails to do so;
- (b) without reasonable excuse, gives false or misleading information in a juror information return or in an application for relief from jury service;
- (c) contravenes any other provision of this Act,

is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for not more than one month, or to both. *1992, c.37, s.34.*

35. Liability of employer

- (1) An employer shall allow an employee a sufficient leave of absence from employment to serve as a juror when that employee is summoned to serve as a juror.

Jury service not to affect employment

- (2) An employer or agent of an employer who, directly or indirectly, threatens to cause or causes actual loss of position or employment of an employee summoned because of his or her response to the summons or his or her service as a juror, is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000 or to imprisonment not exceeding three months, or to both. *1992, c.37, s.35.*

36. Liability of jurors

Every person duly summoned as a juror under this Act, and not exempted or excused

- (a) who refuses or neglects to attend in pursuance of the summons;
- (b) who, being in court and called, does not answer his or her name;
- (c) who, being in court and called, does not appear; or
- (d) who, after appearance, withdraws himself or herself from the presence of the court,

without good cause being shown to the court for the default, is liable on summary conviction to a fine of not more than \$1,000, or to imprisonment for not more than thirty days, or to both. *1992, c.37, s.36.*

37. Service of documents

- (1) Any document required by this Act to be served is, unless otherwise provided for, to be served personally or mailed by registered mail to the last known address of the person being served.

Receipt

- (2) A document served by registered mail is deemed to have been received on the seventh day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of his or her own, he or she did not receive the document or that he or she received it at a later date. *1992, c.37, s.37.*

38. Effect of irregularities

- (1) No omission by the sheriff or an officer of the court or any of them to perform any duty or function under this Act is a ground for impeaching the verdict of a jury or setting aside the judgment rendered in any action or issue.

Disqualified jurors acting on jury

- (2) Where one or more of the jurors serving on a jury in a trial is or are not qualified under this Act to serve as a juror for any reason, the verdict of the jury and any judgment of the court made on the basis of the verdict of the jury, is not for that reason invalid or subject to impeachment. *1992, c.37, s.38.*

39. Regulations

The Lieutenant Governor in Council, upon the recommendation of the judges of the Supreme Court may make regulations. *1992, c.37, s.39.*

40. Repeals

Repeals. *1992, c.37, s.40.*