

Juries Act

CHAPTER 16 OF THE ACTS OF 1998

as amended by

2002, c. 10, ss. 5, 6; 2025, c. 15, s. 11



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An Act Respecting Juries

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Short title

1 This Act may be cited as the *Juries Act*. 1998, c. 16, s. 1.

Interpretation

- 2** (1) In this Act,
- (a) “Chief Justice” means the Chief Justice of the Supreme Court of Nova Scotia, the judge authorized to exercise the powers and perform the duties of the Chief Justice or a judge designated by the Chief Justice;
- (b) “civil matter” means a cause, issue or matter, other than a criminal matter, that involves or might involve a jury and includes an assessment of damages;

(c) “criminal matter” means a prosecution or trial for an offence triable by a judge and jury in accordance with the *Criminal Code* (Canada);

(d) “judge” means a judge of the Supreme Court of Nova Scotia;

(e) “juror” means a person sworn or affirmed as a juror pursuant to subsection 16(3) or the *Criminal Code* (Canada);

(f) “jury co-ordinator” means a prothonotary or other person designated by the prothonotary or the Executive Director, Court and Registries Division of the Department of Justice, to carry out the functions assigned to the jury co-ordinator pursuant to this Act;

(g) “jury district” means an area referred to in subsection (2);

(h) “jury list” means the list of names prepared pursuant to subsection 7(1);

(i) “jury panel” means the persons selected pursuant to subsection 10(1);

(j) “jury panel list” means the list prepared pursuant to subsection 10(1);

(k) “Minister” means the Minister of Justice;

(l) “session” includes any convening of the Supreme Court of Nova Scotia for the purpose of hearing one or more civil matters or one or more criminal matters.

(2) Each justice centre area established pursuant to the *Judicature Act*, or other area designated by the regulations, constitutes a jury district for the purpose of this Act. 1998, c. 16, s. 2.

Qualifications of jurors

3 Subject to Section 4, every Canadian citizen residing in the Province who has reached the age of eighteen years is qualified to serve as a juror. 1998, c. 16, s. 3.

Disqualifications

4 The following people are disqualified from serving as a juror:

(a) the Lieutenant Governor and a member of the House of Assembly, the House of Commons or the Senate of Canada;

(b) a judge of the Nova Scotia Court of Appeal, the Supreme Court of Nova Scotia, the Provincial Court of Nova Scotia, the Family Court for the Province of Nova Scotia, a justice of the peace and an officer of any court;

(c) a barrister and solicitor of the Supreme Court of Nova Scotia and an articled clerk as defined by the *Barristers and Solicitors Act*;

(d) every person engaged in the administration of justice, including a sheriff, a warden of a penitentiary, a superintendent or officer of a correctional institution or lockup, a probation officer, a police officer, a court

official, an employee of the Department of Justice or of the Solicitor General of Canada, and an employee of the Department of Justice or the Public Prosecution Service of the Province;

(e) a person who has been convicted of a criminal offence for which the person was sentenced to a term of imprisonment of two years or more and for which no pardon or record suspension is in effect;

(f) a person or class of persons designated by the regulations. 1998, c. 16, s. 4; 2002, c. 10, s. 5; 2025, c. 15, s. 11.

Excuse and deferral

5 (1) A jury co-ordinator may, in advance of trial, excuse a person from service as a juror or defer a person to a later jury panel on the basis of hardship or illness.

(2) A jury co-ordinator may, in advance of trial, defer a person to a later jury panel on the basis of inconvenience.

(3) A judge may, in advance of or at the time of the trial, excuse a person from service as a juror or defer a person to a later jury panel on the basis of hardship, illness or inconvenience.

(4) A judge may excuse from serving as a juror a person whom the judge determines is unable for any reason to discharge the duties of a juror. 1998, c. 16, s. 5.

Application to be excused

6 (1) A person who receives a juror summons may, in advance of trial, make an application to the jury co-ordinator by using the form prescribed by the Minister to be excused from service as a juror or deferred to a later jury panel.

(2) Where a jury co-ordinator refuses to excuse or defer a person pursuant to subsection 5(1) or (2), the person may apply to a judge by using the form prescribed by the Minister. 1998, c. 16, s. 6.

Preparation of jury list

7 (1) Before the end of August of each year, the jury co-ordinator for each district shall cause to be prepared a jury list of names drawn randomly from a data base that to the extent possible shall include the entire population, eighteen years or older, of the jury district.

(2) The number of names on the jury list prepared pursuant to subsection (1) shall be determined by the jury co-ordinator in consultation with a judge. 1998, c. 16, s. 7.

Availability of information for list

8 (1) Notwithstanding any other enactment, a person, department or agency of Government or municipality that has control or custody of a list prescribed in the regulations shall make available to the jury co-ordinator at all reasonable times such information as the jury co-ordinator requires for the purpose of the preparation of a jury list.

(2) Where a person or body described in subsection (1) has control or custody of a list prescribed pursuant to the regulations in the form of a computer data base, the person or body shall permit the jury co-ordinator to have access to the list and shall allow the jury co-ordinator, upon request, reasonable use of any computer equipment in the control or custody of the person or body. 1998, c. 16, s. 8.

Certification and approval of list

9 (1) When the jury list is prepared, the jury co-ordinator shall certify it as follows:

I hereby certify that the foregoing jury list for [*jury district*]
was prepared in accordance with the *Juries Act* and the names of the
persons selected were chosen by random choice and the persons
selected appear to me to be qualified to serve as jurors.

(2) A judge, if satisfied that the jury list has been properly prepared, shall approve the jury list.

(3) The judge shall order the jury co-ordinator to prepare a new jury list under the direction of the judge if the judge does not approve the jury list pursuant to subsection (2).

(4) A list approved by a judge shall be the jury list for the jury district until a new list is prepared and approved pursuant to this Act and shall be kept in the possession of the jury co-ordinator until it is required for use. 1998, c. 16, s. 9.

Jury panel

10 (1) Before the beginning of each session or whenever a jury is required, the jury co-ordinator for each jury district shall randomly select from the jury list the number of names determined by the jury co-ordinator in consultation with a judge and the persons whose names are selected constitute the jury panel.

(2) The jury panel list shall be approved by a judge.

(3) The jury co-ordinator shall mail to each person a juror summons setting out the time and place to appear and a juror information form containing information regarding the grounds for disqualification and for being excused from serving as a juror.

(4) A summons and juror information form shall be given to a person pursuant to subsection (3) within a reasonable time before the person is to appear.

(5) The form of the juror summons and juror information form may be prescribed by the Minister in consultation with the Chief Justice.

(6) Every person who receives a juror summons and juror information form shall accurately and truthfully complete the juror information form and return it forthwith upon receipt to the jury co-ordinator for the jury district.

(7) Based on the information contained in the juror information form, the jury co-ordinator may remove from the jury panel list anyone who is

disqualified from jury service under Section 4 and may excuse a person from serving on a jury pursuant to subsection 6(1). 1998, c. 16, s. 10; 2002, c. 10, s. 6.

Availability of jury panel list

11 Not earlier than eight days or such longer period as is prescribed by the regulations, nor later than four days before the time to appear stated in the juror summons, the jury co-ordinator shall make the jury panel list available for inspection in the office of the jury co-ordinator in the jury district where the trial is to occur and the list shall be available for inspection by any person until the time stated for appearance. 1998, c. 16, s. 11.

Order for additional names

12 (1) Where, in the opinion of a judge, a sufficient number of persons on the jury panel list will not or do not attend, the judge may make an order directing the jury co-ordinator to select such additional names from the jury list as the judge deems necessary and require the persons selected to attend forthwith or at such time as the judge directs.

(2) Notice to appear may be given by mail or personal service to a person directed to appear pursuant to subsection (1) but no period of notice is required. 1998, c. 16, s. 12.

Attendance of panel

13 (1) The jury co-ordinator shall, on each day on which the jury panel is required to attend, determine which persons on the jury panel are present and, where a member is not present, make an entry of that fact.

(2) The persons on the jury panel shall continue to attend until discharged by a judge. 1998, c. 16, s. 13.

Manner of selection in criminal matters

14 When a jury panel for a session is before a judge in a criminal matter, the jurors required shall be selected in the manner prescribed by the *Criminal Code* (Canada). 1998, c. 16, s. 14.

Manner of selection in criminal matters

15 (1) When a jury panel for a session is before a judge in a civil matter, the jurors required for the civil matter shall be selected in the following manner or such alternative manner as is prescribed by the regulations:

(a) the name of each person on the jury panel, and the person's number on the panel and name and address, shall be written on a separate card and all the cards shall, as far as possible, be of equal size;

(b) after any disqualifications have been made or excuses granted, the jury co-ordinator shall place the cards of the persons on the jury panel who are present together in a box and thoroughly shake the cards together;

(c) the jury co-ordinator shall, in open court, draw out a card from the box and call out the name and number upon the card as

it is drawn, and continue drawing cards out of the box until the number of persons who have answered to their names are, in the opinion of the judge, sufficient to provide a full jury; and

(d) the jury co-ordinator shall continue to select persons until a sufficient number of persons are selected.

(2) The jury for the trial of a civil matter shall consist of seven persons of whom five, after deliberating for at least four hours, may return a verdict.

(3) Where a person chosen pursuant to subsection (1) is

- (a) qualified to serve;
- (b) not peremptorily challenged;
- (c) not successfully challenged for cause on the basis of partiality; or
- (d) not excused,

the jury co-ordinator shall swear that person or take an affirmation from that person as a member of the jury. 1998, c. 16, s. 15.

Challenges

16 (1) Subject to the *Civil Procedure Rules*, in a civil matter the plaintiff or plaintiffs and the defendant or defendants may peremptorily challenge four persons chosen pursuant to subsection 15(1).

(2) Notwithstanding subsection (1) but subject to the *Civil Procedure Rules*, where there are defendants who are adverse in interest, the presiding judge may permit each group of defendants who have a common interest to peremptorily challenge four persons chosen pursuant to subsection 15(1).

(3) Any party may challenge a person for cause and the burden is on the party to state and establish the cause. 1998, c. 16, s. 16.

Power to summon

17 (1) Where a full jury cannot be provided, notwithstanding compliance with this Act, the presiding judge may order the sheriff or other officer forthwith to summon and bring before the judge as many persons, whether qualified jurors or not, as the judge directs for the purpose of providing a full jury.

(2) Jurors may be summoned pursuant to subsection (1) by word of mouth if necessary and brought before the judge.

(3) The names of the persons who are summoned pursuant to this Section shall be added to the jury panel for the purpose for which the panel was selected and this Act applies as though the persons were named as members of the original jury panel. 1998, c. 16, s. 17.

Duty to attend

18 (1) A person required to attend a session as a juror shall continue to attend until discharged from attendance by the presiding judge.

(2) Where, during the course of a trial, the judge is satisfied that a juror should not, because of illness or other reasonable cause, continue to serve as a juror, the judge may discharge the juror.

(3) Where a juror dies or is discharged pursuant to subsection (1) or (2), the judge may direct the trial to proceed without the juror and the verdict of the remaining jurors is valid if the number of jurors is not reduced below six and at least five of them concur with the verdict. 1998, c. 16, s. 18.

Duties of jury co-ordinator

19 The jury co-ordinator shall, on each day on which the jurors are required to attend, determine

- (a) upon the opening of the court, the names of all the jurors; and
- (b) upon any proceeding to be tried with a jury being called for trial, the names of the jurors,

and, when a juror does not answer to that juror's name, make an entry of that fact. 1998, c. 16, s. 19.

Jury fees

20 (1) A person is entitled to such fees as are prescribed by the regulations.

(2) The jury co-ordinator shall prepare and certify a statement containing

- (a) the names of the jurors who attended the hearing;
- (b) the number of days attendance and the basis for the allowance of each juror;
- (c) the distance travelled by each juror; and
- (d) the amount to which the juror is entitled.

(3) Unless the presiding judge otherwise orders, no juror shall be paid for any day on which the juror does not answer when the juror's name is called in open court, nor for any day in which the juror does not attend by reason of the jurors having been excused from attendance. 1998, c. 16, s. 20.

Confidential information

21 Notwithstanding any other enactment but subject to this Act, the names included on a jury list or a jury panel list and the information provided by a person on a juror information form shall not be disclosed. 1998, c. 16, s. 21.

Effect of failing to observe certain direction

22 A failure to observe a direction contained in this Act in respect of

- (a) the disqualification or excusing of jurors;
- (b) the preparation, form or revision of the jury list or the requirements in respect of the jury list; or

- (c) the selection, empaneling, notification or summoning of jurors,

is not a ground for impeaching or quashing the verdict in any civil matter. 1998, c. 16, s. 22.

Lodging and refreshment

23 Where, during the trial of a civil matter or criminal matter, the jurors are not allowed to separate, the jury co-ordinator shall provide lodging and refreshment and the cost shall be paid for by the Minister. 1998, c. 16, s. 23.

Offences

- 24** (1) Every person preparing jury lists who
- (a) knowingly places the name of a person on the jury list who is not qualified to serve;
 - (b) knowingly omits from a jury list the name of a person who is qualified to serve;
 - (c) falsely certifies or approves a jury list or jury panel; or
 - (d) willfully fails to perform any duty imposed by this Act,

is guilty of an offence and liable on summary conviction to a penalty of not more than one thousand dollars.

- (2) Every person who
- (a) is required to complete and return a juror information form and, without reasonable excuse, fails to do so;
 - (b) without reasonable excuse, gives false or misleading information in a juror information form or in an application to be excused from service as a juror;
 - (c) is summoned to attend and, without reasonable excuse, fails to obey the summons or fails to answer when called by the jury co-ordinator; or
 - (d) contravenes any other provision of this Act,

is guilty of an offence and liable on summary conviction to a penalty of not more than one thousand dollars. 1998, c. 16, s. 24.

Power to arrest

25 Every person who is required to attend at any place by a juror summons and who fails to attend may be arrested and brought before a judge on any day that the person is required to appear. 1998, c. 16, s. 25.

Powers of Minister's designate

26 Anything required to be done by the Minister pursuant to this Act may be performed by a person designated by the Minister. 1998, c. 16, s. 26.

Regulations

- 27** (1) The Governor in Council may make regulations
- (a) respecting the fee to be paid to a juror;
 - (b) designating areas for the purpose of subsection 2(2);
 - (c) respecting the method of paying jurors;
 - (d) designating persons or classes of persons to whom fees may be paid;
 - (e) respecting fees to be paid to a person or class of persons designated by regulation and the method of paying those persons or classes of persons;
 - (f) respecting persons who may be disqualified from serving on a jury;
 - (g) enabling forms and information to be filed electronically;
 - (h) respecting lists to be made available pursuant to subsections 8(1) and (2);
 - (i) respecting the manner in which jurors required for a civil matter shall be selected;
 - (j) respecting the form of the jury list;
 - (k) prescribing periods of time for the purpose of Section 12;
 - (l) defining any word or expression used but not defined in this Act or the regulations;
 - (m) respecting any matter deemed necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 1998, c. 16, s. 27.

Repeal

28 Chapter 242 of the Revised Statutes, 1989, the *Juries Act*, is repealed. 1998, c. 16, s. 28.

Proclamation

29 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 1998, c. 16, s. 29.

Proclaimed - June 29, 2000
In force - July 1, 2000