

chapter J-2

**JURORS ACT**

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**REPEAL SCHEDULE**

**DIVISION I**

DEFINITIONS

- 1.** In this Act, unless the context indicates otherwise,
- (a) “court” means the Superior Court exercising its jurisdiction in criminal matters;
  - (b) “district” means a judicial district;
  - (c) “judge” means a judge of the Superior Court;
  - (d) “jury list” means the permanent list of jurors drawn up in accordance with this Act;
  - (e) *(paragraph repealed)*;
  - (f) “Minister” means the Minister of Justice;
  - (g) “session” means a session of the court; and
  - (h) “panel” means the panel of jurors.

1976, c. 9, s. 1; 1984, c. 51, s. 553; 1985, c. 30, s. 145; 1989, c. 1, s. 604; 1995, c. 23, s. 84.

- 2.** The functions assigned to the sheriff under this Act may be exercised by his deputy.

1976, c. 9, s. 2.

**DIVISION II**

QUALIFICATIONS OF JURORS

- 3.** To qualify as a juror, a person must:
- (a) be a Canadian citizen;
  - (b) be of full age; and
  - (c) be entered on the list of electors transmitted pursuant to section 7.1.

1976, c. 9, s. 3; 1995, c. 23, s. 85.

- 4.** The following persons are disqualified from serving as jurors:

- (a) persons not qualified as required by section 3;
- (b) members of the Privy Council, of the Senate or of the House of Commons of Canada;
- (c) members of the Conseil exécutif or of the National Assembly;
- (d) judges of the Supreme Court of Canada, the Federal Court, the Court of Appeal, the Superior Court, the Court of Québec or a municipal court, a coroner and officers of the court;
- (e) practising advocates or notaries;
- (f) peace officers;
- (g) firemen;

- (h) persons afflicted with a mental illness or deficiency;
- (i) persons who do not speak French or English fluently, subject to sections 30 and 45; and
- (j) persons charged with or found guilty of an indictable offence;

(k) in the judicial districts of Mingan, Gaspé and Abitibi, except, in the latter case, in the territories of Abitibi, Mistassini and New Québec, persons not domiciled in a local municipal territory situated wholly or partly within a radius of 60 kilometres from the chief place of the judicial district or from any other place authorized by the Government in accordance with section 51 or 70 of the Courts of Justice Act (chapter T-16).

1976, c. 9, s. 4; 1977, c. 17, s. 10; 1977, c. 5, s. 14; 1981, c. 14, s. 34; 1983, c. 41, s. 201; 1988, c. 21, s. 101; 1989, c. 52, s. 133; 1996, c. 2, s. 732; 2020, c. 12, s. 66.

**5.** The following persons may be exempted from serving as jurors:

- (a) ministers of the cult;
- (a.1) members of the personnel of the National Assembly;
- (b) functionaries engaged in the administration of justice;
- (c) persons 65 years of age or over;
- (d) members of the Canadian regular forces within the meaning of the National Defence Act (Revised Statutes of Canada, 1985, chapter N-5);
- (e) for five years thereafter, persons who have served or have been retained for service as jurors;
- (f) persons afflicted with an infirmity;
- (g) persons whose health or domestic obligations are incompatible with serving on a jury; and
- (h) if the public interest allows it, persons having reasonable cause for exemption on a ground not provided for in the preceding paragraphs.

1976, c. 9, s. 5; 1982, c. 62, s. 159.

**6.** The spouse of a person referred to in paragraph *b*, *c*, *d*, *e*, *f* or *j* of section 4 or in paragraph *b* or *c* of section 5 is also disqualified or, as the case may be, exempted from serving as a juror.

1976, c. 9, s. 6; 1981, c. 14, s. 35; 2002, c. 6, s. 236.

### **DIVISION III**

#### **JURY LIST**

**7.** The sheriff shall, not later than 15 September each year, transmit to the chief electoral officer a list of the local municipalities whose territories are comprised in his district.

1976, c. 9, s. 7; 1984, c. 51, s. 554; 1995, c. 23, s. 86.

**7.1.** Not later than 30 September of the same year, the chief electoral officer shall transmit to the sheriff a list of the electors whose names are entered on the permanent list of electors for each polling subdivision comprised in the territories of the municipalities appearing on the list transmitted to him by the sheriff.

1995, c. 23, s. 86.

**8.** For the conduct of jury trials in his district, the sheriff shall prepare a jury list from the list of electors transmitted to him by the chief electoral officer.

1976, c. 9, s. 8; 1984, c. 51, s. 555; 1989, c. 1, s. 605; 1995, c. 23, s. 87.

**9.** Upon receiving the list of electors, the sheriff must approve it in accordance with the form prescribed by the Minister.

1976, c. 9, s. 9; 1995, c. 23, s. 88.

**10.** From its approval by the sheriff, the list of electors constitutes the jury list and such list remains in force in the district until the next list is approved.

1976, c. 9, s. 10; 1995, c. 23, s. 89.

### DIVISION IV

#### PANEL OF JURORS

**11.** The sheriff shall draw up a panel whenever he is required to summon a jury.

1976, c. 9, s. 11.

**12.** To form the panel, the sheriff may demand the assistance of the personnel of the office of the court.

1976, c. 9, s. 12.

**13.** The judge determines the composition of the jury.

1976, c. 9, s. 13.

**14.** Juries are unilingual or mixed.

A French unilingual jury is composed exclusively of French-speaking persons and an English unilingual jury, of English-speaking persons.

A mixed jury is composed of French-speaking and English-speaking persons in equal proportions.

1976, c. 9, s. 14.

**15.** The panel must contain one hundred and fifty entries.

The sheriff may however, if circumstances require it, provide a different number.

1976, c. 9, s. 15.

**16.** The panel is formed of the persons chosen in the manner provided in sections 17 to 20.

1976, c. 9, s. 16.

**17.** In the presence of the clerk of the Superior Court in criminal matters or his deputy, the sheriff shall place in a box and mix 300 cards of the same size, numbered consecutively from 1 to 300.

He shall then draw one of such cards from the box, note the number thereof and set it aside from the box.

He shall, for each polling subdivision, select the name of the person whose number corresponds to that drawn from the box and inscribe each name on a card.

1976, c. 9, s. 17; 1995, c. 23, s. 90; 1999, c. 40, s. 165.

**18.** The sheriff shall draw cards until a sufficient number of entries is reached to draw up all the panels required to summon the jurors in the next period of twelve months.

1976, c. 9, s. 18; 1988, c. 65, s. 1.

**19.** As the sheriff proceeds to inscribe the selected names on the cards, he shall place and mix them in two boxes, one for the names of persons he considers to be French-speaking and the other for the names of persons he considers to be English-speaking.

1976, c. 9, s. 19.

**20.** To form an unilingual panel, the sheriff shall draw the required number of cards from the appropriate box, eliminating in the process the persons whom he has reasonable cause to believe to be disqualified to serve as jurors, absent from the district or deceased.

To form a mixed panel, the sheriff shall draw the cards from the two boxes alternately.

1976, c. 9, s. 20.

**21.** The sheriff shall enter the names thus drawn on the panel, draw up the minutes and sign them.

The panel and the minutes shall be drawn up in the form prescribed by the Minister.

1976, c. 9, s. 21.

**22.** Once the panels are drawn up for a session, the sheriff shall affix seals on the boxes.

1976, c. 9, s. 22; 1988, c. 65, s. 2; 1992, c. 57, s. 606.

**22.1.** The seals shall be removed whenever the sheriff is required to summon a jury for a new session.

1976, c. 9, s. 22; 1988, c. 65, s. 2.

**22.2.** The sheriff shall draw up the panels for the new session by means of the cards placed in the boxes and by following the procedure set out in sections 20 and 21.

Where the number of entries on a panel is insufficient, the sheriff may repeat or continue the drawing in the manner provided in sections 17 to 21.

1976, c. 9, s. 22; 1988, c. 65, s. 2.

**22.3.** Upon the expiry of the period mentioned in section 18, the seals shall be removed and the unused cards shall be destroyed.

1976, c. 9, s. 22; 1988, c. 65, s. 2.

**23.** In a judicial district requiring more than one panel, the sheriff shall proceed to form the panels by carrying out a single drawing in accordance with sections 17 to 21.

He shall enter the first name drawn on the first panel, the second name on the second panel and so on to the last panel; he shall continue the operation until the required number for all the panels is reached.

1976, c. 9, s. 23.

**24.** The sheriff shall file the panels and the minutes in the office of the clerk of the Superior Court in criminal matters on the day the attendance of jurors is required in court.

1976, c. 9, s. 24; 1988, c. 65, s. 3; 1999, c. 40, s. 165.

**DIVISION V**

**SUMMONING OF JURORS**

**25.** The sheriff shall summon the jurors not less than thirty days before the day their attendance is required in court or within such other number of days as may be ordered by the judge, provided it is not less than eight.

1976, c. 9, s. 25; 1988, c. 65, s. 4.

**26.** A prospective juror is summoned by means of a summons sent to his last known residential or work address by ordinary mail or, if he may be reached in this manner, by fax machine or other electronic means.

1976, c. 9, s. 26; 1996, c. 5, s. 70; 1999, c. 40, s. 165.

**26.1.** A judge before whom a prospective juror is called to appear who finds that the prospective juror has failed to appear before him or has left the place of the hearing without having been released from the obligation of remaining in attendance may order that a new summons be served on the prospective juror by a bailiff or that it be notified by a peace officer by registered or priority mail.

1996, c. 5, s. 70; I.N. 2016-01-01 (NCCP).

**27.** The summons must indicate the date and time at which the person summoned is to appear.

1976, c. 9, s. 27.

**28.** The summons must also be accompanied with a reproduction of sections 3 to 6 and a form prescribed by the Minister, for the use of the person summoned, to enable him to claim an exemption or to invoke his disqualification or to enable him to apply to serve at a later session.

1976, c. 9, s. 28; 1988, c. 65, s. 5.

**29.** A person summoned for jury duty may, if he has a ground for exemption, and must, if disqualified, apply for exemption or to be declared disqualified. He may also apply to serve at any later session held within the next 12 months if he proves that his situation prevents him from serving during the session for which he was summoned.

Every person wishing to be exempted from jury duty or to serve at a later session shall complete the form prescribed under section 28. The application is deemed to be a sworn statement. If he was summoned at least 30 days before the day his attendance is required, he shall notify his application to the sheriff by any appropriate means, within 20 days from the service of the summons; in other cases, he shall submit his application in accordance with section 34.

1976, c. 9, s. 29; 1988, c. 65, s. 6; I.N. 2016-01-01 (NCCP); 2020, c. 29, s. 58.

**30.** If, in a district requiring several panels, an application concerning disqualification is based on the ground that a French-speaking person who does not speak English fluently has been summoned for enrolment on an unilingual English panel, or the converse, the judge or the sheriff may at any time enter such French-speaking person on an unilingual French panel, or the converse.

1976, c. 9, s. 30.

**31.** The sheriff shall rule on an application under section 29 and communicate his decision as soon as possible to the person concerned by the means he considers most appropriate.

1976, c. 9, s. 31; 1996, c. 5, s. 71.

**32.** If circumstances so require, the sheriff may use a mode of service other than that provided for in section 26.

1976, c. 9, s. 32; 1996, c. 5, s. 72; 2020, c. 29, s. 59.

**33.** If the person summoned does not make the application within the prescribed time, or has not been exempted, declared disqualified or permitted to serve at a later session, he must attend at the time fixed in the summons.

1976, c. 9, s. 33; 1988, c. 65, s. 7; 1999, c. 40, s. 165.

**34.** If the person summoned has not availed himself of section 29, he may, before taking the oath, make the application provided for in the said section to the judge.

The judge may delegate to the sheriff the power to rule, on the day the attendance of jurors is required in court, on an application for exemption, disqualification or postponement of service to a later session.

1976, c. 9, s. 34; 2020, c. 29, s. 60.

**35.** If the application of the person summoned has been refused by the sheriff, such person may, before taking the oath, have the decision reviewed by the judge.

1976, c. 9, s. 35.

**35.1.** Where an application to serve at a later session has been granted, the decision shall indicate the session at which the juror shall serve. The name of the juror shall in that case be entered on the first panel drawn up for such session unless there is no jury trial scheduled, in which case his name shall be entered on the first panel the sheriff will subsequently be required to draw up.

Every juror whose service has been postponed to a later session and whose name is re-entered on a panel may submit a new application to the judge for leave to serve at a later session; if the judge considers the application to be valid he may grant it or he may release the juror if he considers it more advisable.

A juror whose service has been postponed to a later session is released at the expiry of the period mentioned in the first paragraph of section 29.

1988, c. 65, s. 8.

**36.** After ruling on the applications provided for in section 29, the sheriff shall total up the applications accepted and the summons that could not be served.

1976, c. 9, s. 36.

**37.** If the sheriff then considers the number of persons entered on the panel insufficient for the session, he shall add to the number of jurors by repeating or continuing the drawing in accordance with sections 17 to 21.

The judge may also during a session order the summoning of an additional juror or order the sheriff to draw up another panel in accordance with the formalities set out in sections 17 to 21, after the removal of the seals, if necessary.

1976, c. 9, s. 37.

**38.** The provisions of this Act respecting jurors apply to additional jurors except that they shall be summoned to attend eight days in advance.

1976, c. 9, s. 38; 1999, c. 40, s. 165.

**39.** The panel filed in the office of the clerk of the Superior Court in criminal matters shall indicate, with regard to each name concerned, the decision rendered on an application for exemption, an application respecting a disqualification or an application for the postponement of service to a later session.

1976, c. 9, s. 39; 1988, c. 65, s. 9; 1999, c. 40, s. 165.

**40.** Once the jury is formed, the court may release any juror who has not been chosen or order him to attend at a later date in the same session.

1976, c. 9, s. 40.

## **DIVISION VI**

### **SPECIAL PROVISIONS FOR THE TERRITORIES OF ABITIBI, MISTASSINI AND NOUVEAU-QUÉBEC IN THE JUDICIAL DISTRICT OF ABITIBI AND FOR INDIAN RESERVES SITUATED OUTSIDE OF THOSE TERRITORIES**

1980, c. 11, s. 60.

**41.** This Act applies to the territories of Abitibi, Mistassini and Nouveau-Québec in the judicial district of Abitibi, subject to the following sections.

1976, c. 9, s. 41.

**42.** To prepare the jury list and to form the panel, the sheriff may, with the authorization of the judge and in accordance with the terms and conditions prescribed by the judge, use the municipal valuation roll, the Band List drawn up in accordance with the Indian Act (Revised Statutes of Canada, 1985, chapter I-5) or the population register of the Ministère de la Santé et des Services sociaux.

This section applies also to a reserve within the meaning of the Indian Act situated outside the territories comprised in the judicial district of Abitibi.

1976, c. 9, s. 42; 1977, c. 5, s. 14; 1980, c. 11, s. 61; 1985, c. 23, s. 24.

**43.** If the sheriff fails to find a sufficient number of jurors to form a panel, he may with the authorization of the judge designate a Canadian citizen of full age residing in the district.

1976, c. 9, s. 43.

**44.** The sheriff may summon the jurors in the manner he deems most appropriate.

1976, c. 9, s. 44.

**45.** An Indian or an Inuk, even though he does not speak French or English fluently, may serve as a juror if the accused is an Indian or an Inuk.

1976, c. 9, s. 45.

## **DIVISION VII**

### **GENERAL PROVISIONS**

**46.** The Government may by regulation:

- (a) determine the indemnities and allowances of jurors; and
- (b) fix the tariff of fees for summoning jurors.



Such regulation shall be published in the *Gazette officielle du Québec*; it shall come into force on the date of its publication or on any later date fixed therein.

1976, c. 9, s. 46.

**47.** In no case may an employer or his agent dismiss, suspend or transfer an employee, practise discrimination or take reprisals against him or impose any other sanction upon him on the ground that the latter is summoned or has acted as a juror.

1977, c. 17, s. 11; 1980, c. 11, s. 62; 1984, c. 46, s. 21; 2001, c. 26, s. 131; 2015, c. 15, s. 168; 2020, c. 12, s. 154.

**48.** No person shall communicate to any person the panel or the name of any person entered on such panel before it is filed in the office of the clerk of the Superior Court in criminal matters.

1976, c. 9, s. 47; 1999, c. 40, s. 165.

**48.1.** No person may use, communicate or allow to be communicated, for purposes other than those provided for in this Act, or communicate or allow to be communicated to a person not legally entitled thereto, any information relating to an elector.

1995, c. 23, s. 91.

**49.** Every person who contravenes any provision of this Act is guilty of an offence.

In the case of an offence under section 48.1, the fine shall be of \$100 to \$1,000 for a first offence, and of \$200 to \$2,000 for a subsequent offence.

1976, c. 9, s. 48; 1995, c. 23, s. 92.

**50.** *(Repealed).*

1976, c. 9, s. 49; 1990, c. 4, s. 533; 1992, c. 61, s. 372.

**51.** Any form prescribed by the Minister under this Act comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

1976, c. 9, s. 50.

## DIVISION VIII

### FINAL PROVISIONS

**52.** Sections 3, 4, 6, 14, 19, 30 and 37 and Division VI of this Act have effect notwithstanding the Charter of human rights and freedoms (chapter C-12).

1976, c. 9, s. 58.

**53.** The Minister of Justice is entrusted with the application of this Act.

1976, c. 9, s. 59.

**54.** *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 9 of the statutes of 1976, in force on 31 December 1977, is repealed, except sections 57 and 60, effective from the coming into force of chapter J-2 of the Revised Statutes.