



Victoria

No. 28 of 1992

Juries (Amendment) Act 1992

[Assented to 16 June 1992]

The Parliament of Victoria enacts as follows:

1. *Purposes*

The purposes of this Act are—

- (a) to enable a trial to continue with a minimum of 10 jurors, in the case of a criminal trial, or 5 jurors, in the case of a civil trial, if jurors have been excused for good and sufficient reason;**

- (b) to provide that the taking of a verdict before the conclusion of a long criminal trial does not prevent the continued use of additional jurors in the trial.**

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2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

No. 7851.

Reprinted to
No. 9902.
Subsequently
amended by
Nos 10069,
10191, 10245,
10260,
110/1988,
117/1988,
16/1987,
55/1987,
65/1987,
62/1988,
75/1988,
19/1989,
57/1989,
64/1989,
61/1990
and 49/1991.

3. Continuation of trial where juror discharged

In section 44 of the *Juries Act 1967* after “inquest” insert “or of the discharging of a juror during the inquest for any other reason that appears to the court to be good and sufficient”.

4. Amendment of additional jurors procedure

In section 48A of the *Juries Act 1967*—

- (a) in sub-section (1) for “the conclusion of the trial” substitute “any time at which the jury is required to retire to consider its verdict”;
- (b) in sub-section (3) after “sub-section (4)” insert “and unless the juror or jurors are, in accordance with sub-section (3A), to return to the jury, and continue as part of it, for the continuation of the trial”;
- (c) after sub-section (3) insert—
“(3A) If the trial is not concluded after the verdict is given (whether because it is not in respect of all the accused persons or not in respect of all the counts in the presentment), the juror or jurors whose cards were drawn must then

return to the jury, and continue as part of it, for the continuation of the trial.

- (3B) A fresh ballot must be held in accordance with sub-section (2) each time the jury is required to retire to consider its verdict.”.

5. *Transitional provisions*

The amendments of the **Juries Act 1967** made by this Act apply to trials commenced but not concluded before the commencement of this Act.



NOTES

1. *Minister's second reading speech*---

Legislative Council: 15 April 1992

Legislative Assembly: 21 May 1992

2. The long title for the Bill for this Act (as amended by the Legislative Council) was “A Bill to amend the **Juries Act 1967** and for other purposes.”.
3. Section headings appear in bold italics and are not part of the Act. (See **Interpretation of Legislation Act 1984**).