



CONSULTATION PAPER

Proposed amendments to the Jurors Act 1971 and the Criminal Code Act 1907

This Consultation Paper contains proposals to update the Jurors Act 1971 and the Criminal Code Act 1907 to meet the evolving needs of trials by jury in Bermuda

Table of Contents

1. INTRODUCTION	2
2. REDUCE NUMBER OF INDIVIDUALS REQUIRED TO SIT ON JURY	3
3. ALLOW FOR MEDICAL EXEMPTION FROM SERVICE WITHOUT THE REQUIREMENT TO APPEAR IN COURT	4
4. INCREASE THE MAXIMUM AGE FOR QUALIFICATION FOR JURY SERVICE TO 75.....	4
5. EXPAND THE QUALIFICATION FOR JURY SERVICE TO BEYOND BEING A “PARLIAMENTARY ELECTOR IN A PARLIAMENTARY REGISTER”	5
6. RELAX THE RESTRICTIONS ON INDIVIDUALS WHO HAVE BEEN CONVICTED OF CRIMINAL OFFENCES TO QUALIFY FOR JURY SERVICE.....	6
7. REDUCE THE NUMBER OF INDIVIDUALS REQUIRED TO SERVE AS A JURY PANEL... 	6
8. INCREASE THE COMPENSATION PAID TO INDIVIDUALS WHO SERVE ON A JURY ... 	7
9. ALLOW FOR A JUDGE TO HAVE A DISCRETION TO EXCUSE THE PERSON FOR A SPECIFIC PERIOD OF TIME BASED ON THE EMPLOYER’S REQUEST FOR THAT JUROR TO BE EXCUSED	8
10. CORRECT THE FIRST SCHEDULE FOR CONSISTENCY	9
11. CORRECT THE SECOND SCHEDULE FOR CONSISTENCY	9
12. REDUCE THE CATEGORIES OF PERSONS EXEMPTED FROM JURY.....	9
13. ALLOW THE JURY TO SEPARATE ONCE DELIBERATIONS HAVE STARTED.....	10
14. UPDATE HOW PERSONS WITH DISABILITIES ARE REFERRED TO	11
15. ALLOW FOR PERSONS WITH DISABILITIES TO SERVE ON JURIES WITH TECHNOLOGICAL ASSISTANCE	11
16. CONCLUSION AND NEXT STEPS	12

1. INTRODUCTION

This Consultation Paper (“**CP**”) outlines the Bermuda Government’s Law Reform project to amend the Jurors Act 1971 (“**Jurors Act**”) and the Criminal Code Act 1907 (“**Criminal Code**”) and update Bermuda’s approach to trials by jury. The proposals contained in this CP have been brought forward by The Hon. Mr. Justice Larry Mussenden, Chief Justice of the Supreme Court of Bermuda, and Ms. Nicole Smith, Senior Crown-Counsel.

The primary objective of these proposals is to update Bermuda’s approach to criminal trials that are heard before a jury. Updating laws in relation to trial by jury will address obstacles with securing a sufficient jury pool due to the island’s population, increase the remuneration to those who serve on the jury panel and revise the approach to allowing juries to separate once deliberations have started.

The proposals address the following areas:

1. Amendments to reduce number of individuals required to sit on jury;
2. Amendments to allow for medical exemption from service without the requirement to appear in court;
3. Amendments to increase the maximum age for qualification for jury service to 75;
4. Amendments to expand the qualification for jury service to beyond being a “parliamentary elector in a parliamentary register”;
5. Amendments to relax the restrictions on individuals who have been convicted of criminal offences to qualify for jury service;
6. Amendments to reduce the number of individuals required to serve as a jury panel;

7. Amendments to increase the compensation paid to individuals who serve on a jury;
8. Amendments to allow for a Judge to have a discretion to excuse a person for a specific period of time based on their employer's request for that juror to be excused;
9. Amendments to correct the First Schedule for consistency;
10. Amendments to correct the Second Schedule for consistency;
11. Amendments to reduce the categories of persons exempted from jury service;
12. Amendments to allow the jury to separate once deliberations have started;
13. Amendments to update how persons with disabilities are referred to; and
14. Amendments to allow for persons with disabilities to serve on juries with technological assistance.

Attached to this CP is an illustrative draft of the proposed amendments to the Jurors Act and the Criminal Code.

The Bermuda Government invites feedback from stakeholders on the proposed amendments. Comments should be sent to lawreform@gov.bm no later than 31 December 2025.

2. REDUCE NUMBER OF INDIVIDUALS REQUIRED TO SIT ON JURY

PROPOSAL 1

Proposal 1 would amend section 518(3) of the Criminal Code to reduce the number of individuals required to form a jury from 12 to 8, and consequentially, amend section 536 of the Criminal Code to reduce the number of jurors required to reach a majority verdict. Doing so can offer a range of practical, procedural, and systemic benefits, especially in small jurisdictions like Bermuda.

Reducing the number of jurors from 12 to 8 in criminal trials can enhance efficiency, cost-effectiveness, and procedural flexibility, while maintaining fairness and public confidence in the judicial process—particularly in small or resource-limited jurisdictions like Bermuda.

3. ALLOW FOR MEDICAL EXEMPTION FROM SERVICE WITHOUT THE REQUIREMENT TO APPEAR IN COURT

PROPOSAL 2

This proposal would insert a new section 15(2) to the Jurors Act and allow individuals to be exempted from jury service by providing a medical certificate without the need to appear before the court. This offers several practical, legal, and ethical benefits—particularly in small jurisdictions like Bermuda where court resources and medical confidentiality are significant concerns.

Allowing medical exemption from jury service without requiring in-person appearance provides a humane, efficient, and rights-respecting approach to juror selection. It protects vulnerable individuals, conserves judicial resources, and promotes public trust in the fairness of the justice system—especially important in smaller jurisdictions like Bermuda.

4. INCREASE THE MAXIMUM AGE FOR QUALIFICATION FOR JURY SERVICE TO 75

PROPOSAL 3

Proposal 3 would amend section 3(1)(a) of the Jurors Act to increase the maximum age for qualification for jury service from 70 to 75. Doing so carries several legal, demographic, and practical benefits—particularly for jurisdictions like Bermuda, where the population is small, aging, and civic participation is essential to sustaining the jury system.

Raising the maximum jury service age from 70 to 75 enhances the representativeness, sustainability, and inclusivity of the jury system. It reflects modern health and demographic realities, strengthens civic participation, and helps jurisdictions like Bermuda maintain a resilient and diverse juror pool in both criminal and civil trials.

5. EXPAND THE QUALIFICATION FOR JURY SERVICE TO BEYOND BEING A “PARLIAMENTARY ELECTOR IN A PARLIAMENTARY REGISTER”

PROPOSAL 4

This proposal would amend section 3(1)(b) of the Jurors Act to expand the qualification for jury service beyond being a “parliamentary elector in a parliamentary register”. This offers a range of benefits—particularly for jurisdictions like Bermuda, where population size and civic inclusion are critical to sustaining a fair and representative jury system.

Expanding jury qualification beyond being a parliamentary elector enhances access, fairness, efficiency, and inclusivity in the jury system. It ensures that jury service remains a broad civic duty, not a privilege tied to political participation—an essential distinction in a modern, democratic society.

Given the nature of this proposal, feedback as to the extent of the expansion is welcomed.

6. RELAX THE RESTRICTIONS ON INDIVIDUALS WHO HAVE BEEN CONVICTED OF CRIMINAL OFFENCES TO QUALIFY FOR JURY SERVICE

PROPOSAL 5

This proposal would amend section 3(2)(d) of the Jurors Act to allow disqualification for people who have been convicted of offences punishable by ten years or more, rather than three years or more. It is further proposed to amend this provision to allow disqualification for people who in the last seven years received an actual prison sentence of three years or more rather than those who were sentenced for an offence which was punishable for a period of twelve months or more.

Relaxing the restrictions on individuals with past criminal convictions from qualifying for jury service—for example, by shortening disqualification periods or allowing participation after rehabilitation—can offer important legal, ethical, and social benefits, particularly in jurisdictions like Bermuda aiming to modernise justice policy and support reintegration.

Relaxing restrictions on individuals with criminal convictions allows for a more inclusive, rehabilitative, and fair jury system. It balances the need to protect trial integrity with the goals of civic reintegration, equality, and community representativeness, particularly valuable in smaller jurisdictions like Bermuda where every voice counts in the democratic process.

7. REDUCE THE NUMBER OF INDIVIDUALS REQUIRED TO SERVE AS A JURY PANEL

PROPOSAL 6

This proposal would amend section 12(2)(a) & (b) to reduce the number of individuals required to form a jury panel (i.e., the group summoned from which jurors are selected, not the final seated jury). This can offer significant procedural, logistical, and resource-related benefits, particularly in small jurisdictions like Bermuda where pool sizes may be constrained.

Reducing the number of individuals required to serve on a jury panel enhances court efficiency, public resource management, and scheduling flexibility, without undermining fairness—especially when paired with modern selection tools and expanded eligibility. It is a sensible reform for small, closely connected jurisdictions like Bermuda where juror availability and administrative capacity are limited.

8. INCREASE THE COMPENSATION PAID TO INDIVIDUALS WHO SERVE ON A JURY

PROPOSAL 7

Proposal 7 is to increase the statutory allowance to compensate individuals who serve on a jury as follows:

- a) In 20(3A)(a) increase the amount from \$10 to as follows:
 - i) for ss(1)(a) - for jury panel members not selected to be a juror - \$25 for attending; and
 - ii) for ss(2) - for jury members who have to stay overnight - \$50 per night or part of a night.
- b) In (b) – (for jurors serving on the jury) Increase \$25 to \$150. This is based on a rough calculation that the lowest paid jobs in Bermuda probably attract a weekly salary of not less than \$750 or \$150/per day. Therefore, the juror daily fee should match the minimum daily wage of approximately \$150 per day. This could be prorated to be:
 - i) \$75 for when the jury sits for the morning or any part of a morning;
 - ii) \$75 for when the jury sits for the afternoon or any part of the afternoon; and
 - iii) \$150 for when the jury sits for the whole day (ie any part of the morning and the afternoon).

Increasing the compensation paid to individuals who serve on a jury offers a range of legal, economic, and social benefits that directly support the effectiveness, fairness, and sustainability of the jury system—especially in jurisdictions like Bermuda, where civic participation is essential and the population is relatively small.

Increasing compensation for jury service enhances equity, participation, representativeness, and legitimacy of the jury system. It protects economic fairness, encourages broader civic engagement, and ensures that jury duty is a responsibility that all citizens can afford to fulfil, not just a privileged few. For Bermuda, it is a strategic and necessary step in sustaining a fair, inclusive, and resilient justice system.

9. ALLOW FOR A JUDGE TO HAVE A DISCRETION TO EXCUSE A PERSON FOR A SPECIFIC PERIOD OF TIME BASED ON THEIR EMPLOYER’S REQUEST FOR THAT JUROR TO BE EXCUSED

PROPOSAL 8

This proposal would amend section 4(3) of the Jurors Act to allow for a Judge to have a discretion to excuse a person for a specific period of time based on their employer’s request for that juror to be excused. Allowing a judge to have discretion to excuse a juror for a specific period of time based on an employer’s request—rather than granting an automatic exemption—offers a balanced and principled approach to managing civic duty and legitimate business needs. This reform is especially relevant in small economies like Bermuda’s, where individual employees may play critical roles in their workplaces.

Allowing a judge to exercise discretion in excusing a juror at the request of an employer strikes an effective balance between individual civic responsibility and legitimate economic or operational hardship. It ensures that exemptions are justified, proportionate, and time-limited, maintaining both the integrity of the jury system and the functioning of essential workplaces—especially in a close-knit jurisdiction like Bermuda.

10. CORRECT THE FIRST SCHEDULE FOR CONSISTENCY

PROPOSAL 9

Proposal 9 would amend a typographical error in the First Schedule of the Jurors Act. The First Schedule is pursuant to Section 4 of the Jurors Act. The second line of the first page of the First Schedule at the right-hand side says, “Section 3” when it should say “Section 4”.

11. CORRECT THE SECOND SCHEDULE FOR CONSISTENCY

PROPOSAL 10

Proposal 10 would amend a typographical error in the Second Schedule of the Jurors Act. The Second Schedule is pursuant to Section 5 of the Jurors Act. The first line of the first page of the Second Schedule at the right-hand side says, “Section 4” when it should say “Section 5”.

12. REDUCE THE CATEGORIES OF PERSONS EXEMPTED FROM JURY

PROPOSAL 11

Proposal 11 amends Part I and Part II of the First Schedule of the Jurors Act as follows:

- a) First Schedule Part I - Remove
 - i) Members of the Special Court Panel from Part 1 – There is no reason why this group cannot serve on a jury.
- b) First Schedule Part II – Remove
 - i) Any established or non-established officer whose duties are such that, in the opinion of the Secretary to the Cabinet, he should be exempt from jury service, upon notice being given by the Secretary to the Cabinet.

- ii) Any person employed in Bermuda by a cable or wireless undertaking (other than a local broadcasting undertaking), upon notice being given by the person for the time being in charge of the administration of the undertaking in Bermuda.
- iii) Any person employed in a public utility whose duties are such that, in the opinion of the person for the time being in charge of such public utility, he should be exempt from jury service, upon notice being given by such person in charge.

Reducing the categories of persons exempted from jury service—such as automatic exemptions for certain professions or social groups—can significantly strengthen the fairness, functionality, and public legitimacy of the jury system. This reform is especially beneficial in smaller jurisdictions like Bermuda, where jury pools are limited and broad exemptions can undermine representativeness.

Reducing the categories of persons exempted from jury service ensures a more diverse, representative, and equitable jury system, while increasing available jurors and strengthening public confidence in the administration of justice. It reflects a modern, inclusive understanding of civic duty and enhances the long-term sustainability of the jury system in Bermuda.

13. ALLOW THE JURY TO SEPARATE ONCE DELIBERATIONS HAVE STARTED

PROPOSAL 12

This proposal amends section 532 of the Criminal Code to allow the jury to separate once deliberations have started. Allowing the jury to separate after deliberations have begun—instead of requiring sequestration or continuous isolation until a verdict is reached—can offer several practical, psychological, and systemic benefits, especially in jurisdictions like Bermuda where trials are often shorter, resources are limited, and extended sequestration may not be feasible.

Allowing the jury to separate after deliberations have started enhances juror well-being, judicial economy, and system accessibility, without compromising trial integrity—especially when paired with strong judicial directions and safeguards. It reflects a modern, proportional approach to jury management and is well suited to resource-conscious jurisdictions like Bermuda.

14. UPDATE HOW PERSONS WITH DISABILITIES ARE REFERRED TO

PROPOSAL 13

Section 3(2)(b) of the Jurors Act disqualifies anyone who is blind, deaf or “dumb” from serving on a jury. Proposal 13 amends section 3(2)(b) to remove the term “dumb” and replace it with “non-verbal”. Updating how persons with disabilities are referred to—especially in legislation, jury service rules, court forms, and official communications—offers important legal, ethical, and societal benefits. It also promotes dignity, legal consistency, and inclusive governance. It reflects international standards, supports civic participation, and helps ensure that all individuals—regardless of ability—are treated with respect, equality, and fairness in public institutions such as Bermuda’s courts and jury system.

15. ALLOW FOR PERSONS WITH DISABILITIES TO SERVE ON JURIES WITH TECHNOLOGICAL ASSISTANCE

PROPOSAL 14

Proposal 14 aims to introduce a policy allowing persons with disabilities to serve on juries with technological assistance. This offers a range of legal, social, and functional benefits that directly support the values of equality, participation, and modernisation in the justice system. This is especially relevant in Bermuda, where maintaining a fair and inclusive jury system within a small population requires drawing on the full range of capable citizens.

Allowing persons with disabilities to serve on juries with technological assistance is a powerful step toward a more inclusive, representative, and modern justice system. It affirms constitutional and international rights, enhances the quality of deliberation, and ensures that ability—not disability—determines civic participation. For Bermuda, this reform supports both practical jury system resilience and broader commitments to equality and dignity.

16. CONCLUSION AND NEXT STEPS

In conclusion, the proposed amendments to the Jurors Act and the Criminal Code represent a significant step forward in modernising Bermuda’s approach to civil and criminal jury trial to meet the island’s current needs. Amending the requirements for eligibility to serve on a jury while simultaneously reducing the numbers required to form a jury and jury panel will address difficulties faced in reliably and consistently empanelling a jury in Bermuda. Furthermore, adjusting the compensation received by jurors as well as different procedural matters will make the experience of serving as a juror less onerous for members of the public.

The Bermuda Government welcomes feedback on the proposals set out in this Consultation Paper. Please submit comments by 31 December 2025 to lawreform@gov.bm.