

the first two provisions of Art. 31A, §1 and all of §5. Subsection (a) restates the rule of §4-402(c) which provides that the District Court does not have jurisdiction to render declaratory judgments. The provisions of §5 are in fact, jurisdictional and complement other jurisdictional provisions of §1. The only other changes made are in style.

SEC. 3-404. JURY TRIAL.

THE FACT THAT A PROCEEDING IS BROUGHT UNDER THIS SUBTITLE DOES NOT AFFECT A RIGHT TO JURY TRIAL WHICH OTHERWISE MAY EXIST.

REVISOR'S NOTE: This section is new language based on Art. 31A, §9.

The section is revised to reflect the fact that a jury trial is not available in a court of equity. When the Uniform Declaratory Judgments Act was adopted in 1945 there was a practice of transferring issues of fact arising in an action in equity to a court of law for an advisory verdict and this apparently applied to a proceeding under this subtitle. This practice was abolished by Rule 517. In addition, the rule provides that the determination of all issues in a court of equity shall be made without a jury. In view of that development of the law, it is desirable to clarify the jury trial provision of Art. 31A, §9. The provisions dealing with instructions to a jury and a jury verdict are proposed for deletion as unnecessary. Rules 554 and 560 cover these provisions.

SEC. 3-405. PARTIES; ROLE OF ATTORNEY GENERAL.

(A) PERSON WHO HAS OR CLAIMS INTEREST AS PARTY.

(1) IF DECLARATORY RELIEF IS SOUGHT, A PERSON WHO HAS OR CLAIMS ANY INTEREST WHICH WOULD BE AFFECTED BY THE DECLARATION, SHALL BE MADE A PARTY.

(2) EXCEPT IN A CLASS ACTION, THE DECLARATION MAY NOT PREJUDICE THE RIGHTS OF ANY PERSON NOT A PARTY TO THE PROCEEDING.