



Jury (Deferral of Jury Service) Amendment Rules 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 9th day of August 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 35 of the Juries Act 1981, His Excellency the Governor-General makes the following rules acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the advice of the Minister of the Crown who is responsible for the Ministry of Justice, tendered after consultation with the Chief Justice, the Chief District Court Judge, and the President of the New Zealand Law Society.

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Rules

- 1 Title**
 These rules are the Jury (Deferral of Jury Service) Amendment Rules 2010.
- 2 Commencement**
 These rules come into force on 4 October 2010.
- 3 Principal rules amended**
 These rules amend the Jury Rules 1990.
- 4 Interpretation**
 The definition of **coextensive jury districts** in rule 2(1) is revoked and the following definition substituted:

“**coextensive jury districts** means 2 jury districts comprising the same area, and that are—

“(a) a High Court jury district constituted under section 5(1) of the Act; and

“(b) a District Court jury district constituted under section 5(2) of the Act”.

5 Preparation of provisional panel in manual selection courts

(1) Rule 6 is amended by inserting the following subclauses after subclause (3):

“(3A) In determining, under subclause (3), what number of cards is sufficient to ensure enough jurors for the period in respect of which the panel is to be used, the Registrar must take into account the number of names (if any) included in the panel in accordance with subclause (6)(b).

“(3B) Despite subclause (3), if a numbered card is drawn from the container for the purposes of a panel compiled from the jury list, the Registrar must ensure that the card is not returned to the container and so cannot be drawn again for the purposes of any other panel compiled from that list.”

(2) Rule 6 is amended by revoking subclause (6) and substituting the following subclause:

“(6) The provisional panel is—

“(a) the list of names recorded under this rule, along with the address, occupation, and date of birth of each person whose name is on that list; and

“(b) the list of names (if any) the Registrar includes in the panel in accordance with section 14C(1)(c) of the Act, along with the address, occupation, and date of birth of each person whose name is on that list.”

6 Preparation of provisional panel in electronic selection courts

(1) Rule 7 is amended by inserting the following subclauses after subclause (1):

“(1A) In determining, under subclause (1), what number of names from the list is sufficient to ensure enough jurors for the period

in respect of which the panel is to be used, the Registrar must take into account the number of names (if any) included in the panel in accordance with subclause (4)(b).

“(1B) Despite subclause (1), if there is an electronic selection of a name for the purposes of a panel compiled from the jury list, the Registrar must ensure that the name is excluded from the electronic selection of names for the purposes of any other panel compiled from that list.”

(2) Rule 7 is amended by revoking subclause (4) and substituting the following subclause:

“(4) The provisional panel is—

“(a) the list of names selected under this rule, along with the address, occupation, and date of birth of each person whose name is on that list; and

“(b) the list of names (if any) the Registrar includes in the panel in accordance with section 14C(1)(c) of the Act, along with the address, occupation, and date of birth of each person whose name is on that list.”

7 Preparation of final panel in both manual selection and electronic selection courts

Rule 8 is amended by revoking subclause (3) and substituting the following subclause:

“(3) For the purpose of finding out whether any person named on a provisional panel is disqualified from jury service under section 7 of the Act, the Registrar may, electronically or otherwise, compare the provisional jury panel with any databank of convicted persons held by the Ministry of Justice.”

8 Heading above rule 10 amended

The heading above rule 10 is amended by omitting “*and excusal*” and substituting “*, deferral, and excusal*”.

9 Registrar to summon jurors

(1) Rule 10 is amended by revoking subclause (2) and substituting the following subclause:

“(2) Every such summons must be in form 1 of Schedule 1 unless it is a replacement jury summons issued in accordance with

section 14C(1)(c) of the Act after a deferral of jury service, in which case it must be in form 1A of Schedule 1.”

- (2) Rule 10 is amended by adding the following subclauses:
- “(6) Subclauses (1) and (3) to (5) apply to a replacement summons issued in accordance with section 14C(1)(c) of the Act after a period of deferral in the same way as they apply to any other summons issued under section 13(1) of the Act.
- “(7) Subclauses (3) to (5) apply to a written notice under section 14C(1)(d) of the Act (that is, a written notice that a person is no longer liable to serve as a juror as a result of the summons in respect of which an application for deferral of jury service was made under section 14B of the Act) in the same way as they apply to a summons issued under section 13(1) of the Act.”

10 New rules 11 to 13 substituted

Rules 11 to 13 are revoked and the following rules substituted:

“11 Excusal from, or deferral of, jury service

- “(1) The Registrar must consider the application promptly, and inform the applicant of the Registrar’s decision as soon as practicable, if a person summoned for jury service applies to the Registrar to—
- “(a) defer that person’s jury service under section 14B of the Act; or
 - “(b) be excused from jury service under section 15 of the Act.
- “(2) Nothing in this rule limits or affects the Registrar’s powers under sections 14C(4) and 15(1B) of the Act.
- “(3) If the Registrar declines the application, the Registrar must inform the applicant promptly of the applicant’s right of appeal against that decision under section 14C(2) of the Act or, as the case requires, section 15(4) of the Act.
- “(4) If the applicant wishes to appeal, the applicant may—
- “(a) make oral submissions on the matter to a Judge; or
 - “(b) require the Registrar to place a written application before a Judge, in which case the Registrar must refer the document to a Judge as soon as practicable.

- “(5) When an appeal is determined, the Judge must give his or her decision, or cause his or her decision to be given, to the appellant promptly in any manner the Judge thinks fit.
- “(6) No summoned person’s liability to attend at the appointed time, or liability to serve as a juror, is limited or affected by this rule or merely because the person has—
- “(a) made an application under section 14B or 15 of the Act; or
 - “(b) exercised a right of appeal under section 14C(2) or 15(4) of the Act.
- “12 Registrar to compile and keep record of jurors summoned**
- “(1) The Registrar must compile a record of every person summoned for jury service.
- “(2) The record must include, for every person summoned for jury service,—
- “(a) the person’s full name, address, occupation, and date of birth, and details of the summons;
 - “(b) details, recorded in accordance with section 14C(1)(a) of the Act, of the exercise of the power under section 14B(1) to permit deferral of jury service in respect of the summons;
 - “(c) details of any excusal from jury service under section 15 or 16 of the Act.
- “(3) The Registrar must keep the record for at least 2 years after it was most recently compiled.
- “13 Registrar to prepare jury cards**
- “(1) This rule applies to a juror at any time if at that time the juror—
- “(a) has been summoned for jury service; and
 - “(b) has not been permitted to defer his or her jury service under section 14B of the Act; and
 - “(c) has not been excused from jury service under section 15 or 16 of the Act; and
 - “(d) has not had his or her summons discharged under section 16AA of the Act.

“(2) The Registrar must prepare a separate jury card in respect of each juror to whom this rule applies and place the cards in a suitable receptacle, to be known as the principal ballot box.”

11 New rule 22 substituted

Rule 22 is revoked and the following rule substituted:

“22 Form and manner of juror’s oath or affirmation

The juror’s oath (or affirmation) must be—

- “(a) in form 2 of Schedule 1; and
- “(b) taken (or made) in open court.”

12 New rule 24 substituted

Rule 24 is revoked and the following rule substituted:

“24 Prescription and supply of information to accompany jury summons

- “(1) The chief executive of the Ministry of Justice may from time to time prescribe information necessary or desirable for the purposes of the Act and these rules to be printed on or delivered with every summons served under rule 10.
- “(2) However, the service of a summons to be served under rule 10 must not be treated as ineffectual merely because any information so prescribed was not printed on or delivered with the summons.
- “(3) This rule overrides rule 10.”

13 Jurors’ fees and expenses

Rule 28 is amended by revoking subclause (3) and substituting the following subclause:

- “(3) The chief executive of the Ministry of Justice may, if satisfied in a particular case that it is desirable to do so, increase a sum otherwise payable under subclause (1) or (2).”

14 Schedule 1 amended

Schedule 1 is amended by revoking form 1 and substituting the forms 1 and 1A set out in the Schedule.

Schedule

r 14

New forms 1 and 1A substituted

Form 1

r 10(2)

Jury summons

Section 13(1), Juries Act 1981

To [*full name, address*]

Your name has been randomly selected from the jury list. You are therefore required to attend for jury service—

at [*name and address of court*]

on [*day and date*]

at [*time*].

You must also attend for the rest of that week, if required, at the same place and time. If sworn to try a case that continues beyond the end of that week, you must continue to serve until the case is determined or you are discharged by the court.

If you fail to attend as required, or refuse or neglect to serve, you may be liable under the Juries Act 1981 to a fine of up to \$1,000, or to arrest to secure your attendance. You may, however, apply to have this summons discharged, or to be permitted to defer your jury service, or to be excused from jury service.

Date:

Signature:

(Registrar)

Form 1A

r 10(2)

Replacement jury summons

*Sections 13(1) and 14C(1)(c), Juries Act 1981***To** *[full name, address]*

On *[date]* you were summoned to attend for jury service because your name was randomly selected from the jury list. On *[date]*, your attendance for jury service was deferred until a time within the period *[state start and end dates of period specified under section 14B(1)(b) of Act]*. Your details were included in a later jury panel compiled at a time that has enabled you to be summoned for jury service within that period. You are therefore required to attend for jury service—

at *[name and address of court]***on** *[day and date within that period]***at** *[time]*.

You must also attend for the rest of that week, if required, at the same place and time. If sworn to try a case that continues beyond the end of that week, you must continue to serve until the case is determined or you are discharged by the court.

If you fail to attend as required, or refuse or neglect to serve, you may be liable under the Juries Act 1981 to a fine of up to \$1,000, or to arrest to secure your attendance. You may, however, apply to have this summons discharged, or to be excused from jury service.

Date:

Signature:
(Registrar)Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which amend the Jury Rules 1990, come into force on 4 October 2010, which is the date appointed for the commencement of sections 11 and 12 of the Juries Amendment Act 2008. The amendments arise from that Act. They relate mainly to deferral of jury service and, in particular, to the following matters:

- an application under section 14B of the Juries Act 1981 by a person summoned for jury service to be permitted to defer any jury service of that person that may result from the person having been summoned to attend as a juror:
- appeals to the court against the Registrar's decision to decline an application for deferral of jury service:
- where a juror's jury service has been deferred, under section 14B of the Juries Act 1981, the juror's details being included, in accordance with section 14C(1)(c) of the Juries Act 1981, in a later panel compiled from a jury list:
- jurors not being able to be drawn or selected for more than 1 panel compiled from a jury list:
- the form and service of a replacement jury summons issued under sections 13(1) and 14C(1)(c) of the Juries Act 1981 after a deferral of a juror's jury service:
- methods of service of a Registrar's written notice under section 14C(1)(d) of the Juries Act 1981 that a person is, because no jury trials are to be held during the period to which it was proposed to defer any jury service of the person, no longer liable to serve as a juror as a result of the summons in respect of which an application for deferral was made.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 12 August 2010.

These rules are administered by the Ministry of Justice.
