



Jury Amendment Rules 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 27th day of July 2020

Present:

The Right Hon Jacinda Ardern presiding in Council

These rules are made under section 35 of the Juries Act 1981—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the advice of the Minister 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 Amendment Rules 2020.

2 Commencement

These rules come into force on the day after the date of their notification in the *Gazette*.

3 Principal rules

These rules amend the Jury Rules 1990 (the **principal rules**).

4 Rule 2 amended (Interpretation)

- (1) In rule 2(1), revoke the definition of **coextensive jury districts**.
- (2) In rule 2(1), definition of **jury list**, replace “coextensive” with “co-extensive”.
- (3) In rule 2(1), insert in their appropriate alphabetical order:

physical distancing requirements, in relation to a quarantinable disease, means any requirements imposed by or under an Act, or any written and published recommendations of the Ministry of Health (or an employee or officer of the Ministry of Health), for persons to stay physically distant from other persons to prevent the outbreak or spread of the quarantinable disease

quarantinable disease has the same meaning as in section 2(1) of the Health Act 1956

5 Rule 4 amended (Form of jury lists)

In rule 4(1)(c), after “occupation”, insert “(if known)”.

6 Rule 6 amended (Preparation of provisional panel in manual selection courts)

In rule 6(6)(a) and (b), after “occupation”, insert “(if known)”.

7 Rule 7 amended (Preparation of provisional panel in electronic selection courts)

In rule 7(4)(a) and (b), after “occupation”, insert “(if known)”.

8 Rule 10 amended (Registrar to summon jurors)

- (1) In rule 10(1), replace “clear” with “working”.
- (2) Replace rule 10(3)(c) with:
 - (c) by delivery to the juror at that address by any form of prepaid delivery service that requires an acknowledgement of receipt of delivery from the juror.
- (3) Revoke rule 10(5).
- (4) In rule 10(6), replace “and (3) to (5)” with “, (3), and (4)”.
- (5) In rule 10(7), replace “(3) to (5)” with “(3) and (4)”.
- (6) In rule 10(7), replace “they apply” with “those subclauses apply”.

9 Rule 11 amended (Excusal from, or deferral of, jury service)

Replace rule 11(4) with:

- (4) The applicant may appeal against the decision of the Registrar by—
 - (a) making oral submissions on the matter to a Judge; or
 - (b) making a written application to the court concerned and lodging it with the Registrar.
- (4A) If the applicant lodges an application with the Registrar under subclause (4)(b), the Registrar must refer the application to a Judge as soon as practicable.

10 Rule 12 amended (Registrar to compile and keep record of jurors summoned)

- (1) In rule 12(2)(a), after “occupation”, insert “(if known)”.
- (2) After rule 12(2), insert:
 - (2A) The record may also include the person’s electronic address or mobile phone number (or both) if provided by the person in communications relating to a summons.

11 Rule 13 amended (Registrar to prepare jury cards)

In rule 13(1)(d), replace “discharged” with “cancelled”.

12 Rule 15 amended (Preliminary balloting of jurors)

- (1) In rule 15(1), after “Subject to”, insert “subclause (1A) and”.
- (2) After rule 15(1), insert:
 - (1A) The available jurors are not required to be in the presence of the Registrar when the Registrar draws the cards if—
 - (a) it would not be reasonably practicable to meet physical distancing requirements relating to a quarantinable disease if the available jurors were to be in the presence of the Registrar at that time; and

- (b) as each card is drawn, the name of the juror on the card is called out; and
- (c) arrangements are in place to ensure that any available jurors who are not in the presence of the Registrar at that time are instead in another room or area of the court precincts where they are able to hear each name as it is called out (for example, by audio or audiovisual link).

13 Rule 16 amended (Escorting of jurors to courtroom)

In rule 16, insert as subclause (2):

- (2) However, the balloted jurors are not required to be escorted to the courtroom if—
 - (a) it would not be reasonably practicable to meet physical distancing requirements relating to a quarantinable disease if the balloted jurors were to assemble in that courtroom; and
 - (b) any balloted jurors who are not escorted to that courtroom are escorted to another room or area of the court precincts where there are arrangements in place to ensure that, as cards are drawn in accordance with rule 17, they are able to hear jurors being called in accordance with rule 19 (for example, by audio or audiovisual link).

14 Rule 18 amended (Judge may dispense with preliminary balloting)

After rule 18(2), insert:

- (3) However, the available jurors are not required to be in the presence of the Registrar when the Registrar draws the cards if—
 - (a) it would not be reasonably practicable to meet physical distancing requirements relating to a quarantinable disease if the available jurors were to be in the presence of the Registrar at that time; and
 - (b) arrangements are in place to ensure that any available jurors who are not in the presence of the Registrar at that time are instead in another room or area of the court precincts where, as the cards are drawn, they are able to hear jurors being called in accordance with rule 19 (for example, by audio or audiovisual link).

15 Schedule 1 amended

- (1) In Schedule 1, forms 1 and 1A, replace “summons discharged” with “summons cancelled”.
- (2) In Schedule 1, replace form 2 with the form 2 set out in the Schedule of these rules.

Schedule

Form 2 of Schedule 1 replaced

r 15(2)

Form 2 Juror's oath

r 22

Members of the jury:

Do you each swear by Almighty God (or solemnly, sincerely, and truly declare and affirm) that you will try the case before you to the best of your ability, and that you will not undertake your own inquiries but will give your verdict according to the evidence presented in court?

Michael Webster,
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 the day after the date of their notification in the *Gazette*. The amendments—

- make changes consequent on amendments made to the Juries Act 1981 by the Courts Matters Act 2018; and
- require a summons requiring a person to attend court for jury service to be served at least 10 working days (in place of 10 clear days) before the date on which the person must attend; and
- replace the option for such a summons to be served by registered post (which no longer exists) with the option for it to be served by a prepaid delivery service; and
- expressly enable the record of persons summoned for jury service to include electronic addresses and phone numbers that those persons have provided in communications relating to the summons; and
- waive requirements for available jurors to be in the presence of the Registrar during balloting if it would not be reasonably practicable to meet both those requirements and physical distancing requirements (**PDRs**) relating to a quarantinable disease, but only if those who are not in the presence of the Registrar at that time are in another area of the court precincts where they are able to hear the balloting (for example, by audio or audiovisual link); and

- waive a requirement for jurors who are selected during preliminary balloting to be escorted to the trial courtroom for further balloting if it would not be reasonably practicable to meet PDRs if they were all to assemble in the trial courtroom, but only if those who are not escorted to that courtroom are escorted to another area of the court precincts where they are able to hear the balloting; and
- replace the form of the oath (or affirmation) by which jurors are sworn in to include express agreement that they will not undertake their own inquiries but will give their verdict according to the evidence presented in court.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 30 July 2020.

These rules are administered by the Ministry of Justice.