



ANALYSIS

Title	2. Application
1. Short Title and commencement	3. Discharge of jury

1997, No. 99

An Act to amend the Crimes Act 1961

[10 December 1997

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Crimes Amendment Act (No. 3) 1997, and is part of the Crimes Act 1961 (“the principal Act”).

(2) This Act comes into force on the day after the date on which it receives the Royal assent.

2. Application—This Act applies to any trial for which a jury is constituted on or after the date on which this Act comes into force.

3. Discharge of jury—Section 374 of the principal Act (as substituted by section 13 of the Crimes Amendment Act (No. 2) 1980) is amended by repealing subsections (3) to (5), and substituting the following subsections:

“(3) Subsection (4) applies if, at any time before the verdict of the jury is taken, the Court is of the opinion that—

“(a) A juror is incapable of continuing to perform his or her duty; or

“(b) A juror is disqualified; or

“(c) A juror’s spouse or family member, or a family member of a juror’s spouse, is ill or has died; or

“(d) A juror is personally concerned in the facts of the case; or

- “(e) A juror is closely connected with 1 of the parties or with 1 of the witnesses or prospective witnesses.
- “(4) Where this subsection applies, the Court, having regard to the interests of justice, may,—
- “(a) Make an order discharging the jury without their giving a verdict; or
- “(b) Subject to subsection (4A), make an order to proceed with the remaining jurors and take their verdict.
- “(4A) The Court must not proceed with fewer than 11 jurors except in the following cases:
- “(a) If the prosecutor and the accused consent:
- “(b) If the Court considers that, because of exceptional circumstances relating to the trial (including, without limitation, the length or expected length of the trial), and having regard to the interests of justice, the Court should proceed with fewer than 11 jurors; and in that case—
- “(i) The Court may proceed with 10 jurors whether or not the prosecutor and the accused consent:
- “(ii) The Court may proceed with fewer than 10 jurors only if the prosecutor and the accused consent.
- “(5) If the Court proceeds with fewer than 12 jurors, their verdict has the same effect as the verdict of 12 jurors.”