

**Reprint  
as at 4 October 2010**



**Juries Amendment Act 2008**

Public Act    2008 No 40  
Date of assent    25 June 2008  
Commencement    see section 2

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by the Ministry of Justice.**

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## 1 Title

This Act is the Juries Amendment Act 2008.

## 2 Commencement

- (1) This Act (except sections 4, 11, 12, and 19) comes into force on the day that is 6 months after the date on which this Act receives the Royal assent.

- (2) Sections 4, 11, 12, and 19 come into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made appointing different dates for different provisions.

Section 2(2): section 19 brought into force, on 29 June 2009, by the Juries Amendment Act 2008 Commencement Order 2009 (SR 2009/129).

Section 2(2): sections 4, 11, and 12 brought into force, on 4 October 2010, by the Juries Amendment Act 2008 Commencement Order 2010 (SR 2010/229).

### **3 Principal Act amended**

This Act amends the Juries Act 1981.

### **4 Jury districts**

- (1AA) Section 5(1) is amended by adding “(in this section referred to as a High Court jury district)”.

- (1) Section 5 is amended by repealing subsections (3) and (3A) and substituting the following subsection:

- “(3) Every jury district comprises every place that is within—  
“(a) 45 km by the most practicable route from the courthouse in the Court town in which jury trials may be held; and  
“(b) any boundary of the district that is declared by the Governor-General by a notice under subsection (4).”

- (2) Section 5(4) is consequentially amended by omitting “, or subsection (3) and subsection (3A)”.

- (3) Section 5 is amended by repealing subsection (4) and substituting the following subsection:

- “(4) If, by virtue of subsection (3), a place would be in 2 or more jury districts (both or all of which are High Court jury districts, or both or all of which are District Court jury districts), the boundaries of each of those districts must be declared by the Governor-General, by notice in the *Gazette* given on the advice of the Minister of the Crown who is responsible for the Ministry of Justice, in such a way as to ensure that—  
“(a) no place is included in 2 or more jury districts; and  
“(b) no place included in a jury district for a Court town is more than 45 km by the most practicable route from the courthouse in that town.”

- (4) Section 16A is consequentially amended by repealing subsection (3) and substituting the following subsection:

“(3) No person is required to attend for jury service at the new venue if that venue is outside the jury district and is more than 45 km by the most practicable route from that person’s place of residence.”

(5) The Juries Amendment Act 2001 (2001 No 69) is consequentially repealed.

Section 4(1AA): inserted, on 7 July 2010, by section 4(1) of the Juries Amendment Act 2008 Amendment Act 2010 (2010 No 70).

Section 4(1): amended, on 7 July 2010, by section 4(2) of the Juries Amendment Act 2008 Amendment Act 2010 (2010 No 70).

Section 4(3): substituted, on 7 July 2010, by section 4(3) of the Juries Amendment Act 2008 Amendment Act 2010 (2010 No 70).

## 5 Transitional provision

(1) For the following purposes the amendments made by section 4 must be treated as if they are in force on and after the date that is 6 months before the date (the **commencement**) on which section 4 came into force:

- (a) the constitution of jury districts for use on and after the commencement:
- (b) the preparation of new jury lists for use on and after the commencement.

(2) Nothing in section 4 affects the validity of any of the following:

- (a) a jury list or jury panel that was prepared and in use immediately before the commencement:
- (b) the composition of any jury that was constituted before the commencement and continued to serve on or after that date:
- (c) the composition of any jury that was constituted after the commencement from a jury list that was prepared and in use immediately before that date:
- (d) a summons that was issued under the principal Act before the commencement, and is intended to continue to have effect on or after that date.

## 6 Certain persons not to serve

(1) Section 8 is amended by inserting the following paragraph before paragraph (a):

“(aa) the Governor-General:”.

- (2) Section 8(f) is amended by omitting “Law Practitioners Act 1955” and substituting “Law Practitioners Act 1982”.

- (3) Section 8 is amended by inserting the following paragraph before paragraph (ha):

“(haa) employees of the Legal Services Agency continued by section 91 of the Legal Services Act 2000 (but nothing in this paragraph applies to members of—

“(i) the Board of that Agency; or

“(ii) the Review Panel established under section 62 of that Act; or

“(iii) the Public Advisory Committee established under Part 7 of that Act):”.

**7 Access to, and confidentiality of, jury lists**

Section 12(2)(b) is amended by omitting “Registrar’s”, and substituting “Court registry”.

**8 Registrar may amend jury list**

Section 12A(1) is amended by inserting the following paragraph after paragraph (d):

“(da) an applicant for deferral of jury service, under section 14B, whose application has been accepted but who has not yet been issued with a replacement summons under section 14C(1)(d); or”.

**9 Inspection of jury panel**

- (1) Section 14 is amended by repealing subsection (1) and substituting the following subsections:

“(1) The Registrar must comply with a request to make a copy of a panel available for inspection by or on behalf of an eligible person if the request is made—

“(a) by or on behalf of that eligible person; and

“(b) at a time not earlier than 7 days before the commencement of the week for which the jurors on the panel are summoned to attend for jury service.

“(1A) In subsection (1), **eligible person** means—

- “(a) a barrister or solicitor acting for a party to proceedings that are due to be heard during the week for which the jurors on the panel are summoned to attend for jury service; or
  - “(b) a person who is a party to proceedings that are due to be heard during that week and who is not represented by a barrister or solicitor; or
  - “(c) the Crown or other prosecutor in criminal proceedings that are due to be heard during that week; or
  - “(d) a member of the police.”
- (2) Section 14(3) of the principal Act is repealed.

#### 10 New section 14A inserted

The following section is inserted after section 14:

##### “14A Restrictions on use of jury panel

- “(1) The purpose of this section is to help to prevent names or other information disclosed in a copy of the panel from being used to facilitate actions (for example, actions prejudicing a juror’s safety or security) to interfere with the performance of a juror’s duties.
- “(2) A barrister or solicitor to whom a copy of the panel is made available under section 14(1) because the barrister or solicitor is acting for a party to criminal proceedings, and any person acting on behalf of that barrister or solicitor,—
- “(a) may show the copy (the **document**) to a defendant in proceedings that are due to be heard during the week for which the jurors on the panel are summoned to attend for jury service; but
  - “(b) must not leave the document in the defendant’s possession; and
  - “(c) must not leave the document in the possession of any witness for either party; and
  - “(d) must not leave the document in the possession of any victim (within the meaning of section 4 of the Victims’ Rights Act 2002); and
  - “(e) must take all reasonable steps to ensure that the defendant, any witness, or any victim, as the case requires, does not copy the document.

- “(3) A barrister or solicitor to whom a copy of the panel is made available under section 14(1) because the barrister or solicitor is acting for a party to civil proceedings, and any person acting on behalf of that barrister or solicitor,—
- “(a) may show the copy or any copies of it (the **document**) to a party in proceedings that are due to be heard during the week for which the jurors on the panel are summoned to attend for jury service; but
  - “(b) must not leave the document in the party’s possession; and
  - “(c) must take all reasonable steps to ensure that the party does not copy the document.
- “(4) Every person who, in connection with proceedings that are due to be heard during the week for which the jurors on the panel are summoned to attend for jury service, receives, or makes a copy or copies of, a copy of the panel must return the copy or copies to the Registrar or a member of the Court registry staff as soon as practicable after the case is opened or the accused is given in charge.
- “(5) However, subsection (4) does not apply to—
- “(a) the Registrar or a member of the Court registry staff; and
  - “(b) any other person if the Court or a Judge, in the Court’s or Judge’s discretion and on a written application for the purpose, orders that the other person need not return the copy or copies.
- “(6) A breach of subsection (2), (3), or (4) may be dealt with as contempt of Court.”

**11 New sections 14B and 14C inserted**

- (1) The following sections are inserted before section 15:

**“14B Deferral of jury service**

- “(1) The Registrar may permit a person summoned to attend as a juror on an occasion to defer that person’s attendance to serve as a juror to a time within a period that—
- “(a) starts at least 8 weeks, and ends no later than 1 year, after the date on which the person is required to attend under the summons; and

- “(b) is specified by the Registrar but lasts for at least 1 month; and
  - “(c) the person has indicated would be a more convenient period for the commencement of any jury service of that person that may result from the person having been summoned to attend as a juror.
- “(2) However, the Registrar may exercise that power—
- “(a) only in respect of a summons that is not a replacement summons under section 14C(1)(d); and
  - “(b) only once for each summons of that kind; and
  - “(c) only if satisfied, on a written application for the purpose made by or on behalf of that person, that, because of 1 or more matters specified in subsection (3), attendance on that occasion would cause or result in undue hardship or serious inconvenience to that person, any other person, or the general public.
- “(3) The matters referred to in subsection (2)(c) (and in section 15(1A)(a) and (c)) are—
- “(a) the nature of that person’s occupation or business, or of any special and pressing commitment arising in the course of that person’s occupation or business:
  - “(b) that person’s disability:
  - “(c) that person’s state of health, or family commitments, or other personal circumstances.
- “14C Further provisions relating to deferral of jury service**
- “(1) After accepting an application under section 14B, the Registrar must—
- “(a) promptly record in some way the exercise of the power of deferral in respect of the summons in relation to which the application under section 14B was made; and
  - “(b) promptly delete the person’s details from the panel that was—
    - “(i) compiled under section 13(1); and
    - “(ii) the basis of the issue of that summons; and
  - “(c) if a later panel is compiled under section 13(1) because jury trials are to be held in the court and that later panel is so compiled at a time that enables the person to be summoned for jury service at a time within the period



- specified for the person under section 14B(1)(b), ensure the person's details are included, in accordance with the jury rules, in that later panel and promptly issue under section 13(1), and on the basis of that later panel, a replacement summons that states a time within that period; and
- “(d) if satisfied that no jury trials are to be held in the court during the period specified for the person under section 14B(1)(b) and therefore that it is unnecessary to compile under section 13(1) a later panel at a time that would enable the person to be summoned to attend for jury service at a time within that period, promptly serve on the person, in accordance with the jury rules, written notice that the person is no longer liable to serve as a juror as a result of the summons in relation to which the application under section 14B was made.
- “(2) If the Registrar declines an application under section 14B, the applicant may, in accordance with the jury rules, appeal against that decision to the Court before which the applicant is summoned to appear.
- “(3) The acceptance of an application under section 14B in respect of a summons does not prevent an application under section 15 or 16 in respect of a replacement summons under subsection (1)(d) of this section.
- “(4) The Registrar may, if the Registrar thinks fit, treat an application under section 14B as if it were an application for excusal under section 15(1) and, if the Registrar does so, the application must be determined accordingly.”
- (2) Section 13 is consequentially amended by inserting the following subsection after subsection (3):
- “(3A) Subsection (3) does not apply to a person who is summoned for jury service if—
- “(a) the Registrar has, following an application under section 14B, permitted the person to defer that person's jury service and—
- “(i) the person is summoned under a replacement summons issued under section 14C(1)(c) (in which case the person is liable to serve until the

- end of the week for which the person is summoned under the replacement summons); or
- “(ii) the Registrar has served on the person a written notice under section 14C(1)(d) (in which case the person is no longer liable to serve as a juror as a result of the summons in respect of which the application under section 14B was made); or
- “(b) the Registrar has, under section 15, excused the person from jury service; or
- “(c) a Judge has, under section 16, excused the person from jury service; or
- “(d) a Judge has, under section 16AA, discharged the summons of the person.”
- (3) Section 13(4) is consequentially amended by omitting “Every” and substituting “Despite subsections (3) and (3A), every”.
- (4) Section 16(a) is consequentially amended by inserting “or to permit that person to defer jury service under section 14B” after “that section”.
- (5) Section 35(1) is consequentially amended by repealing paragraph (d) and substituting the following new paragraphs:
- “(d) prescribing the method or methods by which either or both of the following applications can be made:
- “(i) an application under section 14B for deferral of jury service:
- “(ii) an application under section 15 or 16 to be excused from jury service:
- “(da) prescribing the method or methods of service for a written notice under section 14C(1)(d):”.
- Section 11(1): amended, on 7 July 2010, by section 5(1) of the Juries Amendment Act 2008 Amendment Act 2010 (2010 No 70).
- Section 11(1): amended, on 7 July 2010, by section 5(2) of the Juries Amendment Act 2008 Amendment Act 2010 (2010 No 70).
- Section 11(1): amended, on 10 September 2008, by section 6(2) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).
- Section 11(2): amended, on 7 July 2010, by section 5(3) of the Juries Amendment Act 2008 Amendment Act 2010 (2010 No 70).
- Section 11(5): substituted, on 7 July 2010, by section 5(4) of the Juries Amendment Act 2008 Amendment Act 2010 (2010 No 70).

**12 Registrar may excuse from jury service**

- (1) Section 15 is amended by repealing subsection (1), and substituting the following subsections:

“(1) The Registrar may excuse a person summoned to attend as a juror on an occasion from attending on that occasion.

“(1A) However, the Registrar may exercise that power only if satisfied, on a written application for the purpose made by or on behalf of that person, that,—

“(a) because of 1 or more matters specified in section 14B(3), attendance on that occasion would cause or result in undue hardship or serious inconvenience to that person, any other person, or the general public; and

“(b) in the circumstances, a deferral of jury service under section 14B is not reasonably practicable; and

“(c) because of 1 or more matters specified in section 14B(3), that person would not, if required to attend as a juror on that occasion, be able to perform a juror’s duties satisfactorily.

“(1B) The Registrar may, if the Registrar thinks fit, treat an application under this section as if it were an application for deferral under section 14B and, if the Registrar does so, the application must be determined accordingly.”

- (2) Section 9(1) of the Juries Amendment Act 2000 (2000 No 2) is consequentially repealed.

- (3) Section 15(3) is amended by omitting “he” and substituting “the Registrar”.

- (4) Section 15(4) is amended by omitting “he” and substituting “the applicant”.

**13 Judge may discharge summons of person with disability**

- (1) The heading to section 16AA is amended by adding “**or language difficulty**”.

- (2) Section 16AA(1) is amended by inserting “or difficulties in understanding or communicating in the English language” after “disability”.

- (3) Section 16AA(3)(b) is amended by omitting “Registrar’s”, and substituting “Court registry”.

Section 13 heading: amended, on 10 September 2008, by section 6(3) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

Section 13(2): amended, on 10 September 2008, by section 6(4) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

#### **14 Foreman**

- (1) Section 21 is amended—
  - (a) by omitting from the heading “**Foreman**” and substituting “**Foreperson**”; and
  - (b) by omitting “foreman” and substituting “foreperson”.
- (2) Section 21 is amended by adding the following subsection as subsection (2):

“(2) Despite subsection (1) the Court may direct that the jury choose a foreperson at a time different from that specified in subsection (1).”

#### **15 New sections 22 to 22C substituted**

- (1) Section 22 is repealed and the following sections are substituted:

“**22 Discharge of juror or jury**

“(1) When this subsection applies, the Court, having regard to the interests of justice, may either—

  - “(a) discharge the jury without the jury giving a verdict (whether unanimous or majority); or
  - “(b) discharge the juror or jurors concerned from the panel and jury and proceed with the remaining jurors and take their verdict (whether unanimous or majority).

“(2) Subsection (1) applies if, and only if, before or after the jury is constituted but before the jury’s verdict is taken, the Court considers that—

  - “(a) a juror is incapable of performing, or continuing to perform, the juror’s duty as a juror in the case; or
  - “(b) a juror is disqualified; or
  - “(c) a juror’s spouse, civil union partner, or de facto partner, member of the juror’s family, or member of the family of the juror’s spouse, civil union partner, or de facto partner, 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 a party or witness or prospective witness.
- “(3) The Court may also discharge the jury without it giving a verdict (whether unanimous or majority) if—
  - “(a) a casualty or emergency makes it, in the Court’s opinion, highly expedient for the ends of justice to do so; or
  - “(b) the jury has remained in deliberation for at least 4 hours and the jurors do not agree on the verdict (whether unanimous or majority) to be given, and the Court thinks the period for which the jury has remained in deliberation is reasonable.
- “(4) Nothing in this section affects any rules of Court that—
  - “(a) permit a jury for a civil case to be discharged without giving a verdict if all parties consent; or
  - “(b) apply when a Judge sitting with a jury on the trial of any civil case becomes incapable of acting.
- “(5) In this section and sections 22A and 22B, **Court** includes, without limitation, a Judge of the Court.

**“22A Consequences of discharge under section 22**

- “(1) If a juror is discharged under section 22(1)(b),—
  - “(a) the discharge of the juror does not affect the juror’s liability to serve on any other jury;
  - “(b) the Court may, if the discharge occurs before the case is opened or the accused is given in charge, require a further juror to be selected from the panel and sworn under sections 18 and 20;
  - “(c) the choice of a foreperson is not affected (even if 1 or more replacement jurors are selected and sworn under paragraph (b)) if that choice has already been made and the juror who was chosen as foreperson is not the juror discharged;
  - “(d) if the juror has, by the time he or she is discharged, been chosen as foreperson, another foreperson must be chosen under section 21 from among the other jurors (including any 1 or more replacement jurors selected and sworn under paragraph (b)).

- “(2) Despite section 22(1)(b), the Court may proceed with fewer than 11 jurors only if—
- “(a) all parties consent and the Court, having regard to the interests of justice, considers that the Court should proceed in accordance with that consent; or
  - “(b) the Court considers that, because of exceptional circumstances relating to the trial (for example, 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 the Court may proceed with 10 jurors but no fewer, even though all parties do not consent.
- “(3) If the Court proceeds with fewer than 12 jurors, their verdict (whether unanimous or majority) has, despite section 17, the same effect as a verdict of 12 jurors.
- “(4) On discharging the jury under section 22(1)(a) or (3), the Court must either—
- “(a) direct that a new jury be empanelled during the sitting of the Court; or
  - “(b) postpone the trial on any terms justice requires.

**“22B Further provisions about discharge under section 22**

- “(1) The Court may discharge the jury or a juror or jurors under section 22(1) or (3)—
- “(a) on an application for the purpose; or
  - “(b) on its own initiative.
- “(2) A defendant is entitled to appear and be heard on an application under section 22.
- “(3) In considering whether to discharge the jury or a juror or jurors under section 22(1) or (3), the Court may conduct a hearing, and consider any evidence (other than evidence of the jury’s deliberations) it thinks fit.

**“22C Procedure if Judge sitting with jury on trial of criminal case becomes incapable of acting**

- “(1) If a Judge sitting with a jury on the trial of any criminal case becomes incapable of acting before the jury has retired to consider its verdict,—

- “(a) another Judge or the Registrar must discharge the jury; and
  - “(b) on or after the discharge of the jury, another Judge may order a new trial.
- “(2) If the Judge sitting with a jury on the trial of a criminal case becomes incapable of acting after the jury has retired to consider its verdict and before judgment has been given, another Judge—
  - “(a) may give any further directions required by the jury; and
  - “(b) may take the verdict and give judgment on it or may discharge the jury without verdict; and
  - “(c) may generally do all things in the same way as the Judge formerly presiding at the trial might have done had that Judge not become incapable of acting.”
- (2) This section and 16 (amendments and repeals consequential on new sections 22 to 22C substituted) apply only to any trial for which a jury is constituted on or after the date on which this section comes into force.

**16 Amendments and repeals consequential on new sections 22 to 22C substituted**

- (1) The Crimes Act 1961 is consequentially amended by repealing section 374 and substituting the following section:

**“374 Discharge of juror or jury**

Nothing in this Act affects the powers of a Court or Judge or Registrar to discharge a juror or jury for a criminal case under section 22 or 22C of the Juries Act 1981.”

- (2) The Judicature Act 1908 is consequentially amended by repealing section 54B and substituting the following section:

**“54B Discharge of juror or jury**

Nothing in this Act affects the powers of a Court or Judge to discharge a juror or jury for a civil case under section 22 of the Juries Act 1981.”

- (3) The following enactments are consequentially repealed:
  - (a) section 13 of the Crimes Amendment Act (No 2) 1980 (1980 No 85);
  - (b) the Crimes Amendment Act (No 3) 1997 (1997 No 99);

- (c) sections 47 and 56 of the Human Rights Amendment Act 2001 (2001 No 96):
- (d) section 5 of the Judicature Amendment Act 1980 (1980 No 88).

**17 New section 24 substituted**

Section 24 is repealed and the following section substituted:

**“24 Challenges without cause**

- “(1) In every case to be tried before a jury, each of the parties is entitled to challenge without cause 4 jurors only.
- “(2) However, if 2 or more accused persons in a criminal case are indicted together, the Crown or other prosecutor is entitled to challenge without cause 8 jurors only.
- “(3) If a juror is discharged and is to be replaced with another under section 22A(1)(b), each party is entitled in the selection of the new juror to exercise the number of challenges without cause that the party has not already exercised.

“Compare: 1908 No 90 ss 121–123, 125”.

**18 New heading and sections 29A and 29B inserted**

The following heading and sections are inserted after section 29:

*“Sequestration, separation, retirement, and  
non-communication*

**“29A Routine sequestration on deliberation abolished**

- “(1) If, at the end of a day of deliberation, a jury that has been directed to consider its verdict has reached no verdict,—
  - “(a) the jury is not required to be sequestered; and
  - “(b) the jurors are with the leave of the Court permitted to separate until the time when the Court requires the jury’s deliberation to resume.
- “(2) If the Court or a Judge considers that it is required in the interests of justice, the Court or Judge may order that the jury be sequestered until it reaches a verdict or until an earlier time or event specified in the Court’s or Judge’s order.
- “(3) An order under subsection (2) overrides subsection (1), and may be made on—
  - “(a) a written or oral application for the purpose; or



“(b) the Court’s or Judge’s own initiative.

“(4) Every rule of common law that requires a jury to be sequestered, or under which jurors who separate without leave of the Court are guilty of misconduct, is abolished.

**“29B Retirement and non-communication**

“(1) If the jury retires to consider its verdict, the jurors must be kept under the charge of 1 or more members of the Court registry staff in some private place provided with sufficient heating and lighting, and allowed to have reasonable refreshment.

“(2) However, for the purpose of having refreshment the jurors may with the Court’s consent be taken under the charge of 1 or more members of the Court registry staff to a place of public refreshment instead of remaining in a private place.

“(3) Subsections (1) and (2) do not apply to any period during which the jurors are permitted to separate under section 29A.

“(4) After retiring to consider their verdict and until returning a verdict or being discharged, the jurors must not discuss the case except in the course of their deliberations.

“(5) Failure to comply with the requirements of this section does not affect the validity of the proceedings.

“(6) However, if a failure of that kind is discovered before the verdict of the jury is returned, the Court may, if it considers that the failure makes it highly expedient for the ends of justice to do so,—

“(a) discharge the jury and direct a new jury to be sworn or empanelled during the sitting of the Court; or

“(b) postpone the trial on any terms justice requires.

“(7) In this section, **member of the Court registry staff** includes the Registrar.

“Compare: 1961 No 43 s 370”.

**19 New heading and sections 29C and 29D inserted**

(1) The following heading and sections are inserted before the heading above section 30:

*“Majority verdicts***“29C Criminal cases**

- “(1) In this section, **majority verdict** means, in relation to a jury that, at the time of its verdict, consists of a certain number of jurors, a verdict agreed to by all except 1 of them.
- “(2) The Court may accept a majority verdict in a criminal case if—
- “(a) the jury, having retired to consider its verdict, has deliberated for at least 4 hours; and
  - “(b) the jurors have not reached a unanimous verdict; and
  - “(c) the foreperson of the jury has stated in open Court—
    - “(i) that there is no probability of the jury reaching a unanimous verdict; and
    - “(ii) that the jury has reached a majority verdict; and
  - “(d) the Court considers that the jury has had a period of time for deliberation that the Court thinks reasonable, having regard to the nature and complexity of the trial.
- “(3) If the case involves 2 or more charges, or 2 or more persons charged, the Court may accept a majority verdict in relation to 1 or some of the charges or persons charged, in which case nothing in this section applies to the other charges or the other persons charged.
- “(4) Nothing in this section—
- “(a) prevents the Court from taking a poll of the jury; or
  - “(b) affects section 339 of the Crimes Act 1961 (which relates to criminal cases where part of the charge is proved).
- “(5) If, in terms of section 339 of the Crimes Act 1961, the crime charged, as described in the enactment creating the crime or as charged in the count, includes the commission of any other crime, the Court may accept a majority verdict on the crime charged instead of a unanimous verdict on the included crime.

**“29D Civil cases**

- “(1) In this section, **majority verdict** means, in relation to a jury that, at the time of its verdict, consists of a certain number of jurors, a verdict agreed to by at least three-fourths of them.
- “(2) The Court may accept a majority verdict in a civil case if—

- “(a) the jury, having retired to consider its verdict, has deliberated for at least 4 hours; and
  - “(b) the jurors have not reached a unanimous verdict; and
  - “(c) the foreperson of the jury has stated in open Court—
    - “(i) that there is no probability of the jury reaching a unanimous verdict; and
    - “(ii) that the jury has reached a majority verdict; and
  - “(d) the Court considers that the jury has had a period of time for deliberation that the Court thinks reasonable, having regard to the nature and complexity of the trial.
- “(3) Nothing in this section—
- “(a) prevents the Court from taking a poll of the jury; or
  - “(b) affects any practice in civil cases by which a Court may, with the consent of all parties, accept a verdict that is not a unanimous verdict.
- “Compare: 1908 No 89 s 54A”.
- (2) The Crimes Act 1961 is consequentially amended by repealing section 370.
  - (3) The Judicature Act 1908 is consequentially amended by repealing section 54A.
  - (4) This section applies only to any trial for which a jury is constituted on or after the date on which this section comes into force.

## **20 Payment of jurors**

Section 30 is amended by adding the following subsection as subsection (2):

- “(2) The jury rules prescribing those fees and expenses may authorise the chief executive, if satisfied in a particular case that it is desirable to do so, to increase a sum otherwise payable under those rules.”

## **21 New sections 32 to 32B substituted**

Section 32 is repealed and the following sections are substituted:

### **“32 Failure to attend**

- “(1) The Court may, after complying with subsection (2), fine a person a sum, not exceeding \$1,000, the Court thinks fit if that

person is summoned to attend and serve as a juror before the Court but—

- “(a) fails without reasonable excuse to attend for service as required by the summons; or
- “(b) wilfully refuses or neglects to serve when called upon.
- “(2) Before imposing a fine on a person under subsection (1), the Court must first inform that person of the default and afford that person a reasonable chance to explain it.
- “(3) If a person who is summoned to appear and serve as a juror fails to answer when called, the Court may issue a warrant to secure the attendance of that person before the Court.
- “(4) For the purposes of Part IV of the Summary Proceedings Act 1957 and, if the fine is imposed by the High Court, for the purposes of Part XIII of the Crimes Act 1961, the imposition of a fine under subsection (1) is to be treated as a sentence; and those Parts of those Acts apply as if the person on whom the fine has been imposed had been convicted on an information and sentenced.

“Compare: 1908 No 90 ss 162, 163; 1925 No 19 s 3; 1960 No 115 s 4; 1963 No 141 s 6(1)

**“32A Employees absent on jury service not to be prejudiced**

- “(1) An employer commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 if the employer does either of the following actions because an employee of the employer is required to be absent from employment on jury service:
  - “(a) dismisses, or threatens to dismiss, the employee without the consent of the employee;
  - “(b) otherwise prejudices the position of the employee without the consent of the employee.
- “(2) If an employer is alleged to have committed, or is convicted of, an offence against subsection (1) in respect of an action and an employee, then that employee,—
  - “(a) if that action consists of or includes dismissal, may have a personal grievance, for the purposes of section 103(1)(a) of the Employment Relations Act 2000, because of an unjustifiable dismissal, and Part 9 of that Act applies accordingly; and

- “(b) if that action consists of an action other than dismissal or includes an action in addition to dismissal, may have a personal grievance, for the purposes of section 103(1)(b) of the Employment Relations Act 2000, because of an action described in that paragraph, and Part 9 of that Act applies accordingly.
  - “(3) In this section,—
    - “**employee** has the meaning given in section 6 of the Employment Relations Act 2000
    - “**otherwise prejudicing the position of the employee**—
      - “(a) means doing some act (other than dismissing, or threatening to dismiss, the employee) that affects either or both of the following to the employee’s disadvantage:
        - “(i) the employee’s employment:
        - “(ii) 1 or more conditions of the employee’s employment; but
      - “(b) does not include not paying the employee remuneration of any kind for the period the employee is required to be absent from employment on jury service.
- “Compare: 2000 No 7 s 17; Juries Act 2000 (Victoria) s 76

**“32B Identity and address of serving or former juror or prospective juror not generally to be disclosed**

- “(1) A person commits an offence and is liable on summary conviction to the penalty stated in subsection (2) if the person willfully publishes any material, broadcasts any matter, or otherwise discloses any information, that identifies, or that may lead to the identification of, a juror or former juror.
- “(2) The penalty is imprisonment for a term not exceeding 3 months, or a fine not exceeding \$10,000, or both.
- “(3) In this section,—
  - “**former juror** includes a person who attended for jury service
  - “**identification of a juror or former juror** includes disclosure of his or her address
  - “**juror** includes a person attending for jury service.
- “(4) Subsection (1) does not apply to any of the following:
  - “(a) the identification of a former juror with the former juror’s consent:

- “(b) the identification of a juror or former juror if the identification forms part of the exercise or performance of a power, function, or duty conferred, imposed, or contemplated by this Act, the jury rules, or a rule of law or practice relating to the trial of civil or criminal cases:
- “(c) the disclosure of information to a court or to an investigative or prosecuting authority if the disclosure is made for the purposes of an investigation or prosecution of a contempt of court or of an offence relating to a juror or jury:
- “(d) the disclosure of information relating to a proceeding under this section.

“Compare: Jury Act 1977 (New South Wales) s 68; Juries Act 2000 (Victoria) s 77”.

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## **Contents**

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## **Notes**

### **1 General**

This is a reprint of the Juries Amendment Act 2008. The reprint incorporates all the amendments to the Act as at 4 October 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

### **2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4     *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)



- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5**     ***List of amendments incorporated in this reprint  
(most recent first)***

Juries Amendment Act 2008 Commencement Order 2010 (SR 2010/229)

Juries Amendment Act 2008 Amendment Act 2010 (2010 No 70)

Juries Amendment Act 2008 Commencement Order 2009 (SR 2009/129)

Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64): section 6

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