Reprint
as at 29 April 2013

Juries (Jury Service and Protection of Particulars of Jury List Information) Amendment Act 2012

Public Act	2012 No 75
Date of assent	1 October 2012
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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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Juries (Jury Service and Protection of Particulars of Jury List Information) Amendment Act 2012.

2 Commencement

(1) Parts 1 and 2 come into force on a date appointed by the Governor-General by Order in Council.

(2) One or more orders may be made bringing different provisions into force on different dates, so long as the provisions in Part 2 are not brought into force on different dates.

(3) Any provisions in Parts 1 and 2 that are not in force on the expiry of the period of 12 months that starts on the date on which this Act receives the Royal assent come into force on that expiry.

Section 2(1): Parts 1 and 2 brought into force, on 29 April 2013, by the Juries (Jury Service and Protection of Particulars of Jury List Information) Amendment Act Commencement Order 2013 (SR 2013/42).

3 Principal Act amended

This Act amends the Juries Act 1981.

Part 1
Jury service

4 Purpose of this Part

The purpose of this Part is to amend the principal Act so that it—

(a) disqualifies from jury service a person who, at any time within the preceding 5 years, has been sentenced to home detention for a period that is, or is more than, 3 months; and

(b) requires a person on whom a court has imposed a sentence of home detention for a period of less than 3 months, and who is summoned to serve as a juror on an occasion in a week during which he or she will be subject to the sentence, to be permitted to defer that person's attendance to serve as a juror to a date after the person has ceased to be subject to the sentence, or to be excused from serving as a juror on that occasion; and

(c) ensures that the Registrar has a discretion or duty to excuse a person summoned to attend as a juror on any occasion from attending not only on that occasion, but also in any court on any occasion, and also that a person who the Registrar has excused from jury service permanently is no longer, unless that permanent excusal is cancelled, qualified and liable to serve as a juror.

5 Disqualification

Section 7(b) is amended by omitting "corrective training" and substituting "home detention for a period that is, or is more than, 3 months".

6 Certain persons not to serve

Section 8 is amended by inserting the following paragraph after paragraph (hb):

"(hc) a person who, under section 15A, is excused by the Registrar from attending as a juror in any court on any occasion (unless the person's permanent excusal is cancelled under section 15A(3)):".

7 Summoning of jurors

(1) Section 13(3A)(b) and (c) are amended by inserting "on a particular occasion" after "excused the person from jury service".

(2) Section 13(3A) is amended by inserting the following paragraph after paragraph (b):

"(ba) the Registrar has, under section 15A, excused the person from jury service permanently (unless the person's permanent excusal is cancelled under section 15A(3) before the person is summoned for jury service); or".

8 Further provisions relating to deferral of jury service

Section 14C(3) is amended by inserting ", 15A," after "section 15".

9 New section 14D inserted

The following section is inserted after section 14C:

"**14D Deferral of, or excusal from, jury service of person subject to home detention for less than 3 months**

"(1) This section applies to a Registrar who becomes aware from information available to the Registrar that a person summoned to attend as a juror on an occasion is—

"(a) an offender on whom a court has imposed a sentence of home detention for a period of less than 3 months; and

"(b) summoned to serve in a week during which the person will be subject to the sentence of home detention.

"(2) The Registrar must, despite any provision of this Act to the contrary,—

"(a) permit the person to defer the person's attendance to serve as a juror under section 14B to a date after the person has ceased to be subject to the sentence of home detention; or

"(b) excuse that person from serving as a juror on that occasion under section 15."

10 Registrar may excuse from jury service

(1) The heading to section 15 is amended by—

(a) omitting "**Registrar may**" and substituting "**Registrar's discretion and duty to**"; and

(b) adding "**on particular occasion**".

(2) Section 15(2) is amended by omitting "A person summoned to attend as a juror on any occasion shall, on application to the Registrar, be excused by the Registrar from attending on that occasion if that person—" and substituting "The Registrar must excuse a person summoned to attend as a juror on an occasion from attending on that occasion if satisfied, on a written application for the purpose made by or on behalf of the person, that the person—".

(3) Section 15(2)(aa) is amended by inserting "years" after "65".

(4) Section 15 is amended by repealing subsection (3) and substituting the following subsection:

"(3) The Registrar may ask a person to provide evidence in support of an application under this section if the Registrar reasonably thinks that evidence of that kind is necessary in order to determine the application."

11 New sections 15A and 16 substituted

Section 16 is repealed and the following sections are substituted:

"**15A Registrar's discretion and duty to excuse from jury service permanently**

"(1) The Registrar may excuse a person summoned to attend as a juror on an occasion from attending in any court on any occasion if satisfied, on a written application for the purpose made

by or on behalf of the person, that, because of the person's disability or state of health, the person would not, if required to attend as a juror in any court on any occasion, be able to perform a juror's duties satisfactorily.

"(2) The Registrar must excuse a person summoned to attend as a juror on an occasion from attending in any court on any occasion if satisfied, on a written application for the purpose made by or on behalf of the person, that the person is of or over the age of 65 years.

"(3) The Registrar must cancel a person's permanent excusal under subsection (2) promptly after receiving a written application for the purpose made by or on behalf of the person.

"(4) The Registrar may ask a person to provide evidence in support of an application under this section if the Registrar reasonably thinks that evidence of that kind is necessary in order to determine the application.

"(5) If the Registrar declines an application under this section, the applicant may, in accordance with the jury rules, appeal against that decision to the court before which the applicant is summoned to appear.

"16 Judge's discretion to excuse from jury service on particular occasion

"(1) A Judge may in accordance with this section excuse a person summoned to attend as a juror on any occasion in the court in which the Judge sits from attending on that occasion.

"(2) The person may be excused only on an application for the purpose made by or on behalf of the person.

"(3) The Judge may excuse the person from attending on that occasion if—

"(a) the panel that was used in summoning the person to attend as a juror has been compiled in respect of 1 trial only; and

"(b) the Judge is satisfied that the person is personally concerned in the facts of the case, or is closely connected with one of the parties or with one of the prospective witnesses.

"(4) The Judge may excuse the person from attending on that occasion if satisfied of either of the following:

"(a) a ground on which the Registrar could have excused that person under section 15; or

"(b) that the person objects to jury service on grounds of conscience, whether or not of a religious character.

"(5) Subsection (4)(a) applies whether or not the Registrar has declined to do either or both of the following:

"(a) permit the person to defer jury service under section 14B:

"(b) excuse the person from attending as a juror (whether on that occasion, or in any court on any occasion) under section 15 or 15A."

12 Jury rules: amendments relating to permanent excusals

(1) Section 35(1)(d) is amended by omitting "either or both" and substituting "any or all".

(2) Section 35(1)(d)(ii) is amended by inserting ", 15A," after "section 15".

(3) Section 35(1)(d) is amended by adding the following subparagraph:

"(iii) an application under section 15A(3) for cancellation of an excusal under section 15A(2):".

13 New section 36A inserted

The following section is inserted after section 36:

"36A Purpose and application of 2012 amendments on jury service

"(1) The purpose of Part 1 of the Juries (Jury Service and Protection of Particulars of Jury List Information) Amendment Act 2012 is to amend this Act so that it—

"(a) disqualifies from jury service a person who, at any time within the preceding 5 years, has been sentenced to home detention for a period that is, or is more than, 3 months; and

"(b) requires a person on whom a court has imposed a sentence of home detention for a period of less than 3 months and who is summoned to serve as a juror on

an occasion in a week during which he or she will be subject to the sentence to be permitted to defer that person's attendance to serve as a juror to a date after the person has ceased to be subject to the sentence, or to be excused from serving as a juror on that occasion; and

"(c) ensures that the Registrar has a discretion or duty to excuse a person summoned to attend as a juror on any occasion from attending not only on that occasion, but also in any court on any occasion, and also that a person who the Registrar has excused from jury service permanently is no longer, unless that permanent excusal is cancelled, qualified and liable to serve as a juror.

"(2) The amendments made to this Act by a provision of that Part apply only to a person's attendance to serve as a juror on an occasion after that provision's commencement, but apply to any such attendance even if that person was summoned to attend, sentenced to home detention, or both, before that commencement."

Part 2
Protection of particulars of jury list information

14 Purpose of this Part

The purpose of this Part is to amend the principal Act so that it—

(a) helps to maintain jurors' privacy, safety, and security by protecting particulars of jury list information; but also

(b) ensures that parties to proceedings have available to them processes, and enough information, to enable them to exercise effectually their rights under the principal Act to challenge persons selected as jurors.

15 Interpretation

Section 2 is amended by inserting the following definitions in their appropriate alphabetical order:

"**jury list information**, in relation to a person named on a jury list, means the information about the person that is included on the list in accordance with the jury rules

"**litigant in person** means, in relation to proceedings that are due to be heard during the week for which the jurors on a panel are summoned to attend for jury service, a person who—

"(a) is a party to the proceedings; but

"(b) for the proceedings is not represented by a barrister or solicitor, or is represented only by a barrister or solicitor appointed under, and performing only the function stated in, section 14AC

"**panel information**, in relation to a person named on a jury list and on a panel, means the jury list information about the person that must be included on the panel in accordance with the jury rules

"**protected particulars**, in relation to a person named on a jury list and on a panel, means the jury list information about the person that is not panel information about the person

"**public prosecution** means criminal proceedings against a defendant for an offence and commenced by or on behalf of—

"(a) the Crown (including, without limitation, by a person who is, and is acting in his or her capacity as, a Crown solicitor, an employee or officer of a government department, or a Police employee); or

"(b) a Crown entity within the meaning of section 7 of the Crown Entities Act 2004; or

"(c) a statutory public body or board (including, without limitation, a local authority)".

16 Summoning of jurors

Section 13 is amended by inserting the following subsection after subsection (1):

"(1A) The Registrar must ensure that the only jury list information about a person that is included on the panel is the panel information about the person."

17 Inspection of jury panel

(1) Section 14(1)(b) is amended by inserting "(being days on which the office of the court is open for business)" after "7 days".

(2) Section 14(1A) is amended by repealing paragraphs (b) to (d) and substituting the following paragraphs:

"(b) a person who is a party to proceedings that are due to be heard during that week and is a litigant in person; or

"(c) the Crown or other prosecutor in criminal proceedings that are due to be heard during that week (whether or not those proceedings are a public prosecution); or

"(d) a Police employee who is performing a function of the Police in respect of, but is not personally concerned in the facts of, or closely connected with a party or witness or prospective witness in, proceedings that are due to be heard during that week."

(3) Section 14(4) is repealed.

18 New sections 14AB and 14AC inserted

The following sections are inserted after section 14A:

"**14AB Inspection of protected particulars of jury list information excluded from panel**

"(1) The Registrar must comply with a request to make a copy of protected particulars excluded from a panel under section 13(1A) available for inspection by an eligible person if the request is made—

"(a) by that eligible person; and

"(b) at a time not earlier than 7 days (being days on which the office of the court is open for business) before the commencement of the week for which the jurors on the panel are summoned to attend for jury service.

"(2) In subsections (1) and (4), **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 barrister or solicitor appointed under section 14AC and acting in respect of a request under subsection (1) for a party to proceedings that are due to be heard during that week and who is a litigant in person; or

"(c) the Crown or other prosecutor in criminal proceedings that are due to be heard during that week and that are a public prosecution; or

"(d) a Police employee who is performing a function of the Police in respect of, but is not personally concerned in the facts of, or closely connected with a party or witness or prospective witness in, proceedings that are due to be heard during that week.

"(3) A barrister or solicitor to whom a copy of protected particulars is made available under subsections (1) and (2)(a) or (b) must use the copy or any copies of it (the **document**) to help the party referred to in subsection (2)(a) or (b) to exercise rights of challenge under sections 23 to 26.

"(4) However, an eligible person (despite subsection (3)),—

"(a) must not show the document or disclose all or any of its contents to a person (in this subsection called a **prohibited person**) who is not a person of 1 of the following kinds:

"(i) an eligible person:

"(ii) a Judge, a Registrar, or a member of the court registry staff; and

"(b) must not leave the document in the possession of a prohibited person; and

"(c) must take all reasonable steps to ensure that the document and all or any of its contents are not copied by a prohibited person.

"(5) 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 protected particulars must (despite subsection (3)) 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 defendant is given in charge.

"(6) However, subsection (5) 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.

"(7) A breach of subsection (4) or (5) may be dealt with as contempt of court.

"**14AC Counsel to inspect protected particulars, and exercise rights of challenge, for litigant in person**

"(1) On a request for the purpose by or on behalf of a party, the Registrar must appoint a barrister or solicitor to act for the party in respect of a request under section 14AB(1) if the party—

"(a) is 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; and

"(b) is a litigant in person who wishes to have, but does not have, a barrister or solicitor appointed under this section to perform the function stated in subsection (2).

"(2) The only function of a barrister or solicitor appointed under this section is to exercise rights of challenge under sections 23 to 26 for the litigant in person by requesting under section 14AB(1), and acting on the basis of, a copy of protected particulars excluded from a panel under section 13(1A).

"(3) Subsection (2) is subject to section 14AB(4) and (5).

"(4) Fees for professional services provided, and reasonable expenses incurred, by the barrister or solicitor in performing that function—

"(a) must, after a bill for them is submitted, be determined by the Registrar in accordance with any currently in force relevant general directions under subsection (5); and

"(b) are payable out of public money appropriated by Parliament for the purpose.

"(5) The chief executive may from time to time give written general directions as to how the Registrar must determine under subsection (4)(a) the fees and expenses.

"(6) The general directions are in force until revoked or revoked and replaced in writing, and may (without limitation) require the Registrar, unless satisfied in a particular case that a specified exception applies, to determine the fees and expenses using specified, or specified ranges of, rates or amounts.

"(7) The ranges, rates, or amounts may differ according to—

"(a) the time spent and the complexity of the proceedings:

"(b) the barrister's or solicitor's level of experience:

"(c) whether professional services are provided in a specified number of proceedings during a specified period:

"(d) any other factors the chief executive thinks relevant."

19 Jury rules: amendment relating to panel information

Section 35(1)(b) is amended by adding the following subparagraph:

"(iii) what jury list information about each person named on a jury list and on a panel must be included on the panel:".

20 New section 36B inserted

The following section is inserted before section 37:

"**36B Purpose and application of 2012 amendments on protection of particulars of jury list information**

"(1) The purpose of Part 2 of the Juries (Jury Service and Protection of Particulars of Jury List Information) Amendment Act 2012 is to amend this Act so that it—

"(a) helps to maintain jurors' privacy, safety, and security by protecting particulars of jury list information; but also

"(b) ensures that parties to proceedings have available to them processes, and enough information, to enable them to exercise effectually their rights under this Act to challenge persons selected as jurors.

"(2) This Act applies to panels compiled before the commencement of that Part as if that Part had not been enacted.

"(3) 'Defendant' in section 14AB(5) (as inserted by that Part) must, until the commencement of section 7 and the Schedule of the Juries Amendment Act 2011, be read as 'accused'."

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Notes

1 General

This is a reprint of the Juries (Jury Service and Protection of Particulars of Jury List Information) Amendment Act 2012. The reprint incorporates all the amendments to the Act as at 29 April 2013, 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 (Jury Service and Protection of Particulars of Jury List Information) Amendment Act Commencement Order 2013 (SR 2013/42)

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