

Juries (Age of Excusal) Amendment Bill

Member's Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Juries (Age of Excusal) Amendment Bill and recommends that it be passed. We recommend all amendments unanimously.

About the bill as introduced

The Juries (Age of Excusal) Amendment Bill is a Member's bill in the name of Carl Bates MP.

New Zealand does not have an upper age limit for jury service. However, the Juries Act 1981 provides that a person aged 65 or over, if summoned, can choose to serve or apply to be excused. The Registrar must grant the excusal if a person applies to be excused from jury service because they are aged 65 or over.¹ The application can be for a particular occasion (section 15(2)(aa)) or permanently (section 15A(2)). The bill would amend sections 15 and 15A to increase from 65 to 72 the age that a person may be excused from jury service.

The bill's explanatory note states that decreasing the number of people who could exercise an age-related excusal from service would reduce the number of summonses that must be sent. This would increase the efficiency of the process and reduce costs for the Ministry of Justice.

¹ Registrars have the power to defer jury service, excuse people from serving on a particular trial, or excuse them permanently from jury service.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Proposed amendments to the bill's transitional provisions

This commentary covers the amendments we recommend to the bill as introduced.

Clause 2 provides that the bill would come into force on the day after Royal assent. We understand that information that accompanies summonses about the available grounds for deferral and excusal would be updated upon commencement. We therefore consider that the increased excusal age should only apply to jury summonses, including replacement summonses, issued on or after the date that the bill commences. Accordingly, we recommend inserting transitional provisions via clauses 3A and 6. Under our proposed amendments, applications for excusal that relate to a summons made before this bill's commencement would be subject to the existing provisions in the Act.

Appendix

Committee process

The Juries (Age of Excusal) Amendment Bill was referred to this committee on 9 April 2025. We invited the member in charge of the bill to provide an oral submission. He did so on 19 June 2025.

We called for submissions on the bill with a closing date of 22 May 2025. We received and considered submissions from 31 interested groups and individuals.

Advice on the bill was provided by the Ministry of Justice. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Hon Andrew Bayly (Chairperson)

Hon Ginny Andersen

Jamie Arbuckle

Carl Bates

Tākuta Ferris

Dr Tracey McLellan (until 14 May 2025)

Rima Nakhle

Tom Rutherford

Todd Stephenson

Vanushi Walters (from 14 May 2025)

Hon Dr Duncan Webb

Dr Lawrence Xu-Nan

Related resources

The documents we received as advice and evidence are available on the Parliament website.

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Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

Carl Bates

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Contents

	Page
1 Title	1
2 Commencement	1
3 Principal Act	1
<u>3A</u> <u>New section 2A inserted (Transitional, savings, and related provisions)</u>	<u>2</u>
2A Transitional, savings, and related provisions	2
4 Section 15 amended (Registrar's discretion and duty to excuse from jury service on particular occasion)	2
5 Section 15A amended (Registrar's discretion and duty to excuse from jury service permanently)	2
6 <u>New Schedule 1AA inserted</u>	<u>2</u>
<u>Schedule</u>	<u>3</u>
<u>New Schedule 1AA inserted</u>	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Juries (Age of Excusal) Amendment Act **2025**.

2 Commencement

This Act comes into force on the day after Royal assent.

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3 Principal Act

This Act amends the Juries Act 1981.

3A New section 2A inserted (Transitional, savings, and related provisions)

After section 2, insert:

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.

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4 Section 15 amended (Registrar’s discretion and duty to excuse from jury service on particular occasion)

In section 15(2)(aa), replace “65 years” with “72 years”.

5 Section 15A amended (Registrar’s discretion and duty to excuse from jury service permanently)

In section 15A(2), replace “65 years” with “72 years”.

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6 New Schedule 1AA inserted

Insert the **Schedule 1AA** set out in the **Schedule** of this Act as the first schedule to appear after the last section of the principal Act.

Schedule
New Schedule 1AA inserted

s 6

Schedule 1AA
Transitional, savings, and related provisions

5

s 2A

Part 1
Provisions relating to Juries (Age of Excusal) Amendment Act 2025

- 1** **Amendment to age of excusal does not apply to certain summonses**
- (1) The amendments to sections 15 and 15A of this Act by the Juries (Age of Excusal) Amendment Act 2025 do not apply to a person in respect of a summons issued to that person before the commencement date. 10
- (2) In this clause,—
- commencement date** means the date on which the Juries (Age of Excusal) Amendment Act 2025 comes into force 15
- summons** means—
- (a) a summons issued under section 13(1) of this Act; or
- (b) a replacement summons referred to in section 14C(1)(c) or clause 19(4)(b) of Schedule 2 of this Act.

Legislative history

29 January 2025
9 April 2025

Introduction (Bill 121–1)
First reading and referral to Justice Committee