

Juries Amendment Bill

Government Bill

As reported from the committee of the whole
House

This bill was formerly part of the Criminal Procedure (Reform and Modernisation) Bill as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the bill and divided it into the following bills:

- the Criminal Procedure Bill comprising clauses 1 and 2, Parts 1 to 8, the Part 9 heading, clause 416, clause 417, clause 442, and Schedules 1, 1A, and 6
- the Bail Amendment Bill (No 3) comprising clauses 401 to 407A, and Schedule 2
- the Children, Young Persons, and Their Families Amendment Bill (No 3) comprising clauses 407B to 407D, and Schedule 3
- the Corrections Amendment Bill comprising clauses 408 to 410A, and Schedule 3A
- the Crimes Amendment Bill (No 5) comprising clauses 410B to 411B, and Schedule 3B
- the Criminal Disclosure Amendment Bill comprising clauses 412 to 415B, and Schedule 3C
- the Criminal Procedure (Mentally Impaired Persons) Amendment Bill comprising clauses 417A to 417C, and Schedule 4

- the District Courts Amendment Bill (No 2) comprising clauses 418 to 420A, and Schedule 4A
 - the Evidence Amendment Bill comprising clauses 421 to 423A, and Schedule 4B
 - this bill comprising clauses 424 to 427A, and Schedule 4C
 - the Justices of the Peace Amendment Bill comprising clauses 427B to 428
 - the New Zealand Bill of Rights Amendment Bill comprising clauses 428B and 429
 - the Sentencing Amendment Bill (No 6) comprising clauses 430 to 433A, and Schedule 4D
 - the Summary Proceedings Amendment Bill (No 4) comprising clauses 434 to 437B, and Schedule 5
 - the Victims' Rights Amendment Bill comprising clauses 438 to 441B, and Schedule 5A.
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Hon Simon Power

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Juries Amendment Act **2011**.

- 2 Commencement**
 - (1) **Sections 425 to 427** come into force on a date appointed by the Governor-General by Order in Council. 5

- (2) The rest of this Act comes into force on a date appointed by the Governor-General by Order in Council.
- (3) Any provision that has not earlier been brought into force comes into force on the day that is 2 years after the date on which this Act receives the Royal assent. 5

3 Principal Act amended

This Act amends the Juries Act 1981.

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425 Application

The amendments made by **sections 426 and 427** apply only to a trial for which a jury is constituted after the commencement of this section. 10

426 Discharge of juror or jury

- (1) Section 22(1)(b) is amended by inserting “, subject to **subsection (1A)**,” after “jury and”.
- (2) Section 22 is amended by inserting the following subsection after subsection (1):
- “(1A) The court may proceed with fewer than 10 jurors under subsection (1)(b) only if all parties consent to doing so and the court, having regard to the interests of justice, considers that it should do so.” 20

427 Consequences of discharge under section 22

- (1) Section 22A(2) is repealed.
- (2) Section 22A(3) is amended by inserting “under section 22(1)(b)” after “proceeds with fewer than 12 jurors”.

427A Further amendments to Juries Act 1981

The Juries Act 1981 is amended as set out in **Schedule 4C**. 25

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Schedule 4C
Amendments to Juries Act 1981

s 427A

Section 2Definition of **probation officer**: repeal.**Section 14A(4)**

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Omit “accused” and substitute “defendant”.

Section 20

Omit “accused” and substitute “defendant”.

Section 21(1)

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Omit “accused” and substitute “defendant”.

Section 22A(1)(b)

Omit “accused” and substitute “defendant”.

Section 24(2)

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Omit “accused persons in a criminal case are indicted” and substitute “defendants in a criminal case are charged”.

Section 27(1)

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Omit “accused person or any of the accused persons, or by the accused person or any of the accused persons” and substitute “defendant or any of the defendants, or by the defendant or any of the defendants”.

Omit “indictment” and substitute “charge”.

Section 29C(4)(b) and (5)

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Omit “section 339 of the Crimes Act 1961” and substitute in each case “**section 116 of the Criminal Procedure (Reform and Modernisation) Act 2010**”.**Section 32(4)**

Repeal and substitute:

“(4) For the purposes of **Part 6 of the Criminal Procedure (Reform and Modernisation) Act 2010**,—

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Section 32(4)—*continued*

- “(a) the imposition of a fine under subsection (1) is to be treated as a sentence; and
- “(b) that Part applies as if the person on whom the fine has been imposed had been convicted on a charge and sentenced.”

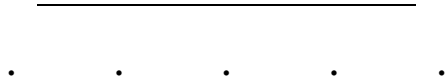
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Section 32A(1)

Omit “summary”.

Section 32B(1)

Omit “summary”.



Legislative history

29 September 2011

Divided from Criminal Procedure (Reform and Modernisation) Bill (Bill 243–2) by committee of the whole House as Bill 243–3J
