



# COVID-19 Response (Courts Safety) Legislation Act 2022

Public Act      2022 No 16  
Date of assent      20 April 2022  
Commencement      see section 2

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## The Parliament of New Zealand enacts as follows:

- 1      Title**  
This Act is the COVID-19 Response (Courts Safety) Legislation Act 2022.
- 2      Commencement**  
This Act comes into force on the day after the date of Royal assent.
- 3      Temporary amendments to enactments**  
Amend the enactments specified in Schedules 1 to 3 as set out in those schedules.

## Schedule 1

### Courts Security Act 1999 temporarily amended

s 3

#### 1 Effect of this schedule

This schedule sets out temporary amendments to the Courts Security Act 1999.

#### 2 New section 37 and cross-heading inserted

After section 36, insert:

#### *Temporary provisions*

#### 37 Application of temporary provisions in Schedule

- (1) The temporary provisions set out in the Schedule apply during the period—
  - (a) beginning with the commencement of this section; and
  - (b) ending with the repeal of the COVID-19 Public Health Response Act 2020.
- (2) The temporary provisions have the following effect while they apply:
  - (a) clause 1 replaces section 11A:
  - (b) clause 2 replaces section 12:
  - (c) clause 3 replaces section 18A:
  - (d) clause 4 replaces section 21:
  - (e) clause 5 replaces section 22:
  - (f) clause 6 replaces section 23.
- (3) If a temporary provision replaces a section of this Act,—
  - (a) the application of the section is suspended; and
  - (b) the section ceases to apply with respect to any relevant matter that arose before the commencement of this section.
- (4) If a temporary provision is inconsistent with a section of this Act, the temporary provision prevails.
- (5) To avoid doubt, a cross-reference in this Act or any other enactment or document to a section specified in subclause (2) is to be treated as a cross-reference to the corresponding replacement provision on or after the commencement of this section.
- (6) This section and the Schedule of this Act are repealed on the date on which the COVID-19 Public Health Response Act 2020 is repealed.

Compare: 2014 No 71 s 4

#### 3 New Schedule inserted

After section 37, as inserted by clause 2, insert:

## Schedule

### Temporary provisions in respect of COVID-19

s 37

#### **1 Right of public to enter and remain in areas of court**

- (1) A person may enter and remain in an area of a court that is open to the public if the person complies with all directions given and requirements that apply to the person and that are imposed—
  - (a) by the presiding judicial officer in a courtroom where proceedings are being or will be heard; and
  - (b) by or on behalf of the chief executive, or by a court security officer, elsewhere in the court; and
  - (c) in respect of COVID-19 by the head of bench in relation to a courtroom where proceedings are being or will be heard.
- (2) Directions given or requirements imposed under subclause (1) may, without limitation, include directions or requirements allowing (with or without conditions), limiting, or prohibiting the use of cellphones, cameras, or recording equipment in a courtroom or elsewhere in the court.
- (3) A person who has not complied with a direction given or a requirement imposed under subclause (1) may enter and remain in an area of the court if the presiding judicial officer considers it is in the interests of justice to permit or require the person to do so.
- (4) Before giving a direction or imposing a requirement in respect of COVID-19 under subclause (1), a person giving the direction or imposing the requirement must be satisfied that the direction or requirement is reasonably necessary—
  - (a) in the interests of justice; and
  - (b) to protect health and safety in the courts.
- (5) Subclause (1) is subject to—
  - (a) clauses 2(2) and 3 and sections 13(2), 14(1)(b), 15(4) and (5), 16(3), 17(4), 18(1)(b), 19, 19A, and 20(2) (which provide for the denial of entry to a person or their removal from a court, unless the person is allowed to enter or re-enter under clause 5(1) or (2), and the detention of a person who a court security officer has reasonable grounds to believe may have committed or attempted to commit a specified offence, or in the circumstances set out in section 19A);
  - (b) any direction given by a presiding judicial officer that a person must not enter or remain in a courtroom or any other specified part of the court;
  - (c) any inherent or implied powers of a Judge or presiding judicial officer to regulate the procedure of a court or tribunal over which that person presides:

- (d) any enactment regulating who may be present at proceedings.
- (6) In this clause, **head of bench** means, in relation to—
- (1) the Supreme Court, the Chief Justice:
  - (2) the Court of Appeal, the President of the Court of Appeal:
  - (3) the High Court, the Chief High Court Judge:
  - (4) the District Court, the Chief District Court Judge:
  - (5) the Employment Court, the Chief Judge of the Employment Court:
  - (6) the Environment Court, the Chief Environment Court Judge:
  - (7) the Māori Appellate Court, the Chief Judge of the Māori Land Court:
  - (8) the Māori Land Court, the Chief Judge of the Māori Land Court:
  - (9) the Court Martial Appeal Court, the Chief High Court Judge:
  - (10) the Court Martial, the Chief Judge:
  - (11) the Disputes Tribunal, the Principal Disputes Referee:
  - (12) the Tenancy Tribunal, the Principal Tenancy Adjudicator:
  - (13) the Private Security Personnel Licensing Authority, the Authority:
  - (14) the Licensing Authority of Secondhand Dealers and Pawnbrokers, the Authority:
  - (15) the Alcohol Regulatory and Licensing Authority, the Chairperson:
  - (16) the Motor Vehicle Disputes Tribunal, an adjudicator:
  - (17) the Human Rights Review Tribunal, the Chairperson:
  - (18) the Real Estate Agents Disciplinary Tribunal, the Chairperson:
  - (19) the Canterbury Earthquakes Insurance Tribunal, the Chairperson:
  - (20) the Copyright Tribunal, the Chairperson:
  - (21) a coroner, the Chief Coroner:
  - (22) the Customs Appeal Authority, the Authority:
  - (23) the Immigration and Protection Tribunal, the Chair:
  - (24) the Immigration Advisers Complaints and Disciplinary Tribunal, the Chair:
  - (25) a Land Valuation Tribunal, the Chief Environment Court Judge:
  - (26) the Legal Complaints Review Officer, the Officer:
  - (27) the New Zealand Lawyers and Conveyancers Disciplinary Tribunal, the Chairperson:
  - (28) the Legal Aid Tribunal, the Chairperson:
  - (29) the (Legal Aid) Review Authority, the Authority:
  - (30) the Social Security Appeal Authority, the Chairperson:

- (31) the Student Allowance Appeal Authority, the Authority:
- (32) the Taxation Review Authority, the Authority:
- (33) the Trans-Tasman Occupations Tribunal, the Chairperson:
- (34) a Victims' Special Claims Tribunal, the Chief District Court Judge:
- (35) the Weathertight Homes Tribunal, the Chair:
- (36) the Waitangi Tribunal, the Chairperson:
- (37) any other court, tribunal, or constituted dispute resolution body that conducts proceedings in a building that also accommodates an entity specified in paragraphs (1) to (36), the senior member of that court, tribunal, or constituted dispute resolution body:
- (38) any court, tribunal, or constituted dispute resolution body specified in paragraphs (1) to (37), a person authorised to act in the place of a person specified in paragraphs (1) to (37).

## **2 Power to ask for identification and information**

- (1) A court security officer may ask any person who wants to enter, or is in, a court to provide the officer with—
  - (a) the person's name and address; and
  - (b) evidence of the person's name and address; and
  - (c) the person's reason for either wanting to enter the court or being in it, if the officer has reasonable grounds for asking for the information; and
  - (d) evidence of the person's compliance with a direction given or requirement imposed under clause 1(1).
- (2) A court security officer may deny entry to, or remove, a person—
  - (a) who does not comply with a request under subclause (1); or
  - (b) who gives a reason under subclause (1)(c) that gives the officer reasonable grounds to believe that the person may threaten the security of the court.
- (3) Sections 24 to 29 set out limits on the powers in this clause.

## **3 General power to deny entry to, or remove person from, court**

- (1) A court security officer may deny a person entry to, or remove a person from, a court if the court security officer believes on reasonable grounds that the person—
  - (a) is harassing or intimidating, or will harass or intimidate, another person; or
  - (b) is causing, or will cause, violence within, or damage to, the court; or
  - (c) is significantly disrupting, or will significantly disrupt, proceedings, the administration of a court, or the conduct of lawful activities in a court; or

- (d) has not complied, or will not comply, with a direction given or requirement imposed under clause 1(1).
- (2) To avoid doubt, a court security officer has reasonable grounds for the purposes of subclause (1)(d) if a person does not provide satisfactory evidence when asked under clause 2(1)(d).
- (3) Sections 24 to 29 set out limits on the powers in this clause.

**4 Power to use reasonable force**

- (1) A court security officer may use the amount of force that is reasonable in the circumstances when exercising or performing any of the powers or duties in clauses 2(2) and 3 and in sections 13(2), 14(1)(b), 15(4), 15A(1)(b), 17(4), 18(1)(b), 20, and 20A(b).
- (2) Sections 24 to 29 set out limits on the powers in this clause.

**5 Consequences of denial of entry to, or removal from, court**

- (1) A person denied entry to, or removed from, a court under clause 2(2) or section 13(2), 14(1)(b), 15(4), 17(4), or 18(1)(b) is entitled to enter the court if—
  - (a) the person—
    - (i) later complies with the relevant request; and
    - (ii) complies with any further requests under clause 2(1) or section 13(1), 15(1), or 17(2); or
  - (b) the person is permitted or required to enter under clause 1(3).
- (2) A person denied entry to or removed from a court under clause 3 is entitled to enter (or re-enter) the court if a court security officer who is aware of the reasons why the person was denied entry to, or removed from, the court is satisfied that the person will not behave in a way described in clause 3(1)(a) to (d) if allowed to enter (or re-enter) the court.
- (3) The fact that a person was denied entry to, or was removed from, a court under clause 2(2) or 3 or section 13(2), 14(1)(b), 15(4), 17(4), or 18(1)(b) does not, by itself, give the person a reasonable excuse for not doing anything that the person—
  - (a) was required to enter the court to do; or
  - (b) wanted to enter the court to do; or
  - (c) was at the court to do.

**6 Duty of court security officer to inform of consequences when person denied entry or removed**

A court security officer who denies a person entry to, or removes a person from, a court under clause 2(2) or 3 or section 13(2), 14(1)(b), 15(4), 17(4), or 18(1)(b) must at the same time tell the person the gist of clause 5.

## Schedule 2

### Criminal Procedure Act 2011 temporarily amended

s 3

#### 1 Effect of this schedule

This schedule sets out temporary amendments to the Criminal Procedure Act 2011.

#### 2 New subpart 5 of Part 8 inserted

After section 410, insert:

#### Subpart 5—Temporary provisions in respect of COVID-19

##### 410A Application of temporary provisions in Schedule 1AB

- (1) The temporary provisions set out in Schedule 1AB apply during the period—
  - (a) beginning on the commencement of this section; and
  - (b) ending with the repeal of the COVID-19 Public Health Response Act 2020.
- (2) The temporary provisions supplement the sections of this Act while they apply.
- (3) If a temporary provision is inconsistent with a section of this Act, the temporary provision prevails.
- (4) This section and Schedule 1AB are repealed on the date on which the COVID-19 Public Health Response Act 2020 is repealed.

Compare: 2014 No 71 s 4

#### 3 New Schedule 1AB inserted

After Schedule 1AA, insert:

#### Schedule 1AB

##### Temporary provisions in respect of COVID-19

s 410A

#### 1 Hearing may be conducted by audiovisual link or audio link

- (1) Nothing in sections 196 to 198 limits or affects the ability of a court to conduct a hearing wholly or partly by audiovisual link (AVL) or audio link (AL) and to require some or all members of the media or the public who wish to observe the hearing to attend by AVL or AL.
- (2) For the purposes of subclause (1),—

**audio link** or **AL**, in relation to a proceeding, means facilities that enable audio communication between, or to be received by, participants when some or all of

them are not physically present at the place of hearing for all or part of the proceeding

**audiovisual link** or **AVL**, in relation to a proceeding, means facilities that enable both audio and visual communication between, or to be received by, participants when some or all of them are not physically present at the place of hearing for all or part of the proceeding.

## 2 Powers relating to right of public to enter and remain in areas of court

- (1) Nothing in sections 196 to 198 limits or affects—
- (a) any inherent or implied powers of a judicial officer to give directions or impose requirements that must be met by persons entering and remaining in a court:
  - (b) the powers of a presiding judicial officer, the chief executive (or a person acting on their behalf), a court security officer, or a head of bench to give directions or impose requirements under clause 1(1) of the Schedule of the Courts Security Act 1999 that must be met by persons entering and remaining in a court.

- (2) In subclause (1)(b),—

**chief executive**, **court security officer**, and **presiding judicial officer** have the same meanings as in section 2 of the Courts Security Act 1999

**head of bench** means a head of bench as defined in paragraphs (1) to (4) of the definition of that term in clause 1(6) of the Schedule of the Courts Security Act 1999.



## Schedule 3

### Juries Act 1981 and related legislation temporarily amended

s 3

#### 1 Effect of this schedule

- (1) Part 1 of this schedule sets out temporary amendments to the Juries Act 1981.
- (2) Part 2 of this schedule sets out temporary amendments to the Jury Rules 1990.
- (3) Part 3 of this schedule sets out temporary amendments to the Legislation (Publication) Regulations 2021.

#### Part 1

#### Temporary amendments to Juries Act 1981

#### 2 Temporary amendment to Juries Act 1981

Clauses 3 and 4 temporarily amend the Juries Act 1981.

#### 3 New sections 38 and 39 and cross-heading inserted

After section 37, insert:

*Temporary provisions in respect of COVID-19*

#### 38 Application of temporary provisions in Schedule 2

*When temporary provisions apply*

- (1) The temporary provisions set out in clauses 1, 4 to 15, 17, 20, 21, and 23 of Schedule 2 apply during the period—
  - (a) beginning with the commencement of this section; and
  - (b) ending with the repeal of the COVID-19 Public Health Response Act 2020.
- (2) The temporary provisions set out in clauses 3(2) and 22 of Schedule 2 apply during the period—
  - (a) beginning with the repeal of the COVID-19 Public Health Response Act 2020; and
  - (b) ending on the second anniversary of the date on which the COVID-19 Public Health Response Act 2020 is repealed.
- (3) The temporary provisions set out in clauses 2, 3(1), 16, 18, 19, and 24 of Schedule 2 apply during the period—
  - (a) beginning with the commencement of this section; and
  - (b) ending on the second anniversary of the date on which the COVID-19 Public Health Response Act 2020 is repealed.

*Effect of temporary provisions*

- (4) The temporary provisions have the following effect while they apply:
- (a) clause 1 modifies section 2 and replaces the definition of jury rules in section 2(1):
  - (b) clause 2 modifies section 12A:
  - (c) clause 3 modifies section 13:
  - (d) clauses 4 to 12 supplement the sections of this Act:
  - (e) clause 13 replaces section 14B(2)(a):
  - (f) clauses 14 to 22 supplement the sections of this Act:
  - (g) clause 23 modifies section 18:
  - (h) clause 24 modifies section 33:
  - (i) clauses 25 and 26 are transitional, savings, and related provisions that supplement the sections of this Act.
- (5) If a temporary provision in Schedule 2 replaces a provision in the body of this Act,—
- (a) the application of the provision in the body of this Act is suspended; and
  - (b) the provision in the body of this Act ceases to apply with respect to any relevant matter that arose before the commencement of this section.
- (6) If a temporary provision is inconsistent with a provision in the body of this Act, the temporary provision prevails.
- (7) To avoid doubt, a cross-reference in this Act or any other enactment or document to a provision in the body of this Act specified in subclause (4) is to be treated as a cross-reference to the corresponding replacement provision on or after the commencement of this section.

Compare: 2014 No 71 s 4

**39 Repeal of temporary provisions in Schedule 2 and revocation**

- (1) Clauses 1, 4 to 15, 17, 20, 21, 23, and 25 of Schedule 2 are repealed on the date on which the COVID-19 Public Health Response Act 2020 is repealed.
- (2) This section, section 38 and the cross-heading above it, and the rest of Schedule 2 are repealed on the second anniversary of the date on which the COVID-19 Public Health Response Act 2020 is repealed.
- (3) A protocol made under clause 4 is revoked on the date on which the COVID-19 Public Health Response Act 2020 is repealed.

**4 New Schedule 2 inserted**

After the Schedule, insert as Schedule 2:

## Schedule 2

### Temporary provisions in respect of COVID-19

ss 38, 39

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<b>1</b>	<b>Interpretation</b>	
(1)	Section 2(1) is to be read as if it contains the following definitions:	
	<b>COVID-19 jury requirements</b> means—	
	(a) requirements set out in a protocol under clause 4 of Schedule 2 for which there is no exception under clause 5(1) of that schedule:	
	(b) any requirements under clause 6 of Schedule 2 imposed by a Judge	
	<b>head of bench</b> means,—	
	(a) in relation to the High Court, the Chief High Court Judge:	
	(b) in relation to the District Court, the Chief District Court Judge.	
(2)	In section 2(1), the definition of <b>jury rules</b> is to be read as if it is replaced with the following:	
	<b>jury rules</b> means—	
	(a) the rules made under section 35:	
	(b) any modification of those rules made under section 24A of the Epidemic Preparedness Act 2006.	
(3)	Section 2(2) is to be read as if it contains, after “29A”, “or clause 12 or 14 of Schedule 2”.	
(4)	Section 2 is to be read as if it contains, after subsection (2),—	

- (3) For the purposes of this Act, a reference to a court includes a reference to a place designated as a supplementary court location in accordance with the jury rules.

*Jury lists and summoning of jurors*

**2 Registrar may amend jury list**

Section 12A(1) is to be read as if it contains, after paragraph (da),—

- (db) a person whose jury service has been deferred under clause 9(1) or 12, or clauses 15 to 18, of Schedule 2 but who has not yet been issued with a replacement summons under clause 19(4)(b) of that schedule; or

**3 Summoning of jurors**

(1) Section 13(3A) is to be read as if it contains, after paragraph (d),—

- (e) the person's jury service has been deferred under clause 9(1) or 12, or clauses 15 to 18, of Schedule 2 and—

- (i) the person is summoned under a replacement summons issued under clause 19(4)(b) of that schedule (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 clause 19(5) of that schedule (in which case the person is no longer liable to serve as a juror as a result of the summons in relation to which the powers were exercised under clause 9(1) or 12, or clauses 15 to 18, of that schedule); or

- (f) the person has been excused from jury service under clause 10 or clauses 14 to 18 or clause 20 or 21 of Schedule 2.

(2) Section 13(3A) is to be read as if it contains, after paragraph (f) as inserted by subclause (1),—

- (g) the person has been excused from jury service under clause 22 of Schedule 2.

*Powers of Judges*

**4 Head of bench may make protocol setting out additional requirements**

(1) A head of bench may make a protocol setting out requirements referred to in subclause (2) if they think that the requirements are reasonably necessary in the interests of justice and to protect health and safety in the courts to take account of the effects of COVID-19.

(2) For the purposes of subclause (1), the requirements—

- (a) may be in addition to, and apply despite, the following legislation:
- (i) section 13 (summoning of jurors):

- (ii) section 18 (selection of jurors):
- (iii) section 22 (discharge of juror or jury) (except section 22(1A)):
- (iv) the jury rules; and
- (b) may relate to the following:
  - (i) jury lists:
  - (ii) summoning of jurors:
  - (iii) selection of jurors (including, without limitation, deferrals of, or excusals from, jury service):
  - (iv) matters that jurors must comply with during a jury trial:
  - (v) discharge of jurors.
- (3) Nothing in this clause limits the application of sections 24 and 24A of the Epidemic Preparedness Act 2006 to the rules made under section 35 of this Act.
- (4) A protocol made under this clause—
  - (a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and
  - (b) is not to be drafted by the PCO under section 67(d)(ii) of that Act.

**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

**5 Exceptions to compliance with some requirements in protocol**

- (1) A Judge may, in the interests of justice, permit or require a person who has not complied with a requirement specified in subclause (2) to—
  - (a) enter the court; and
  - (b) be eligible to serve as a juror.
- (2) The requirement is that which—
  - (a) is set out in a protocol made under clause 4; and
  - (b) relates to 1 or both of—
    - (i) the attendance of summoned persons at court:
    - (ii) the selection of jurors (including, without limitation, deferrals of, or excusals from, jury service).

**6 Judge may impose requirements on jurors for particular trial**

- (1) A Judge may, on their own initiative, impose requirements on jurors for a particular trial if the Judge thinks that the requirements are reasonably necessary

in the interests of justice and to protect health and safety in the courts to take account of the effects of COVID-19.

- (2) Nothing in this clause limits the application of sections 24 and 24A of the Epidemic Preparedness Act 2006 to the rules made under section 35 of this Act.

**7 Inherent or implied powers not limited**

Nothing in this Act limits any inherent or implied powers of the head of bench or a presiding judge to regulate the procedure of the court.

*Information and evidence*

**8 Registrar may ask person to provide information and evidence**

The Registrar may ask a person summoned to attend as a juror to provide information and evidence that is relevant to the person's ability to comply with the COVID-19 jury requirements.

*Deferrals of, or excusals from, jury service*

**9 Registrar may defer person's jury service if not confirmed that they meet COVID-19 jury requirements**

- (1) The Registrar may, on their own initiative, defer the attendance of a person summoned to attend as a juror on an occasion if the person has not confirmed to the Registrar's satisfaction that the person meets the COVID-19 jury requirements.
- (2) The power may be exercised—
- (a) only in respect of a summons that is not—
    - (i) a summons that has been deferred under section 14B or clause 12 or clauses 15 to 18; or
    - (ii) a replacement summons issued under section 14C(1)(c) or clause 19(4)(b); and
  - (b) only once in respect of each summons of that kind.
- (3) A deferral under this clause is to a time within a period that—
- (a) starts at least 8 weeks, and ends no later than 2 years, 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.
- (4) No application is required under subclause (1).
- (5) The person whose jury service is deferred may request that the Registrar change the specified period.
- (6) A person may not appeal against the specified period unless, after a request under subclause (5), the Registrar and the person are unable to agree, after taking reasonable steps to do so, on a more convenient time.

**10 Registrar may excuse person from jury service if not confirmed that they meet COVID-19 jury requirements**

- (1) The Registrar may, on their own initiative, excuse a person summoned to attend as a juror on an occasion from attending on that occasion if the person has not confirmed to the Registrar's satisfaction that the person meets the COVID-19 jury requirements.
- (2) No application is required under subclause (1).

**11 Certain persons not to serve as jurors on basis of COVID-19 jury requirements**

- (1) A person must not serve as a juror on an occasion if the person's jury service is deferred or the person is excused from jury service under clause 9(1), 10, 15, 17, or 20.
- (2) This clause applies despite section 6 (qualification and liability for jury service).

**12 Registrar may defer person's jury service on application on other specified COVID-19-related grounds**

- (1) The Registrar may defer the attendance of a person summoned to attend as a juror on an occasion—
  - (a) in respect of a summons that is not—
    - (i) a summons that has been deferred under section 14B or clause 9(1) or clauses 15 to 18; or
    - (ii) a replacement summons issued under section 14C(1)(c) or clause 19(4)(b); and
  - (b) only once in respect of each summons of that kind; and
  - (c) if a written application is made to the Registrar by or on behalf of the person to have their jury service deferred; and
  - (d) if the Registrar is satisfied that, because of 1 or more matters specified in subclause (2), attendance on the occasion would cause or result in undue hardship or serious inconvenience to that person, any other person, or the general public.
- (2) The matters referred to in subclause (1)(d) are—
  - (a) the person, or a member of the person's family, or a member of the person's household, is particularly vulnerable to COVID-19;
  - (b) the person's financial circumstances have been significantly adversely affected by the effects of COVID-19.
- (3) A deferral under this clause is to a time within a period that—
  - (a) starts at least 8 weeks, and ends no later than 2 years, 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.
- (4) The Registrar may ask a person to provide evidence in support of an application if the Registrar reasonably thinks that evidence of that kind is necessary in order to determine the application.
  - (5) The jury rules may prescribe the method by which the application is made.
  - (6) The Registrar may treat an application under section 14B as if it were an application under this clause and, if the Registrar does so, the application must be determined in accordance with this clause.

### **13 Deferral of jury service under section 14B of Act**

Section 14B(2)(a) is to be read as if it is replaced with the following:

- (a) only in respect of a summons that is not—
  - (i) a summons that has been deferred under clause 9(1) or 12, or clauses 15 to 18, of Schedule 2; or
  - (ii) a replacement summons issued under section 14C(1)(c) or clause 19(4)(b) of Schedule 2; and

### **14 Registrar may excuse person from jury service on application on other specified COVID-19-related grounds**

- (1) The Registrar may excuse a person summoned to attend as a juror on an occasion from attending on that occasion if—
  - (a) a written application is made to the Registrar by or on behalf of the person to be excused from jury service; and
  - (b) the Registrar is satisfied that because of 1 or more matters specified in subclause (2), attendance on the occasion would cause or result in undue hardship or serious inconvenience to that person, any other person, or the general public.
- (2) The matters referred to in subclause (1)(b) are—
  - (a) the person, or a member of the person's family, or a member of the person's household, is particularly vulnerable to COVID-19;
  - (b) the person's financial circumstances have been significantly adversely affected by the effects of COVID-19.
- (3) The Registrar may ask a person to provide evidence in support of an application if the Registrar reasonably thinks that evidence of that kind is necessary in order to determine the application.
- (4) The jury rules may prescribe the method by which the application is made.
- (5) The Registrar may treat an application under section 14B or 15 or clause 12 as if it were an application under this clause and, if the Registrar does so, the application must be determined in accordance with this clause.

*Referrals to Judge***15 Registrar may refer matter under clause 9(1) or 10 to Judge**

- (1) If the Registrar is unsure about the exercise of a power to defer a person's jury service under clause 9(1) or to excuse a person from jury service under clause 10, the Registrar may refer the matter to a Judge.
- (2) The Judge may—
  - (a) defer the person's jury service under clause 9(1); or
  - (b) excuse the person from jury service under clause 10; or
  - (c) decide not to defer the person's jury service under clause 9(1) or excuse the person from jury service under clause 10.
- (3) The Judge may, in the interests of justice, exercise a power under sub-clause (2)(c), even if the person has not confirmed to the Judge's satisfaction that the person meets the COVID-19 jury requirements.
- (4) The Judge's decision is final.

**16 Registrar may refer application under clause 12, 14, or 22 to Judge**

- (1) If the Registrar is unsure whether to approve or decline a person's application for a deferral under clause 12 or an excusal under clause 14 or 22, the Registrar may refer the matter to a Judge.
- (2) The Judge may approve or decline the application.
- (3) The Judge's decision is final.

*Appeals***17 Appeal against Registrar's decision under clause 9 or 10**

- (1) A person may, in accordance with the jury rules, bring an appeal to the court before which the person is summoned to appear if—
  - (a) the Registrar has deferred the person's jury service under clause 9(1); or
  - (b) the Registrar has specified a period under clause 9(3)(b) with which the person disagrees and clause 9(6) applies; or
  - (c) the Registrar has excused the person from jury service under clause 10.
- (2) The court may—
  - (a) confirm the Registrar's decision; or
  - (b) vary the Registrar's decision and make the order it considers appropriate, including (without limitation)—
    - (i) deferring the person's jury service under clause 9(1) rather than excusing the person from jury service under clause 10; or
    - (ii) excusing the person from jury service under clause 10 rather than deferring the person's jury service under clause 9(1); or

- (c) set aside the Registrar's decision and make the order it considers appropriate.
- (3) The court may, in the interests of justice, set aside the Registrar's decision to defer the person's jury service or excuse the person from jury service, even if the person has not confirmed to the court's satisfaction that the person meets the COVID-19 jury requirements.
- (4) The court's decision is final.

**18 Appeal against Registrar's decision to decline application under clause 12, 14, or 22**

- (1) If the Registrar declines a person's application under clause 12, 14, or 22, the person may, in accordance with the jury rules, appeal against the Registrar's decision to the court before which the person is summoned to appear.
- (2) The court may—
  - (a) confirm the decision; or
  - (b) set aside the decision and order that—
    - (i) the person's jury service be deferred under clause 12; or
    - (ii) the person be excused from jury service under clause 14 or 22.
- (3) The court's decision under subclause (2) is final.
- (4) The court may, in the alternative,—
  - (a) treat the appeal as if it were an application under section 14B, 15, 15A, or 16; and
  - (b) decide the matter under section 14C, 15, 15A, or 16 instead of under this clause.

*Further provisions relating to deferrals*

**19 Further provisions relating to deferral under clause 9(1) or 12**

- (1) This clause applies if a person's jury service has been deferred under clause 9(1) or 12 or clauses 15 to 18.
- (2) The Registrar must—
  - (a) promptly record in some way the deferral; 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 the summons.
- (3) Subclause (4) applies to the person whose jury service was deferred if—
  - (a) a later panel is compiled under section 13(1) because jury trials are to be held in the court; and

- (b) the later panel is 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 clause 9(3)(b) or 12(3)(b) or after an appeal under clause 17(1)(b).
- (4) The Registrar must—
  - (a) ensure that the person’s details are included, in accordance with the jury rules, in the later panel; and
  - (b) promptly issue under section 13(1), on the basis of the later panel, a replacement summons that states a time within the specified period.
- (5) The Registrar must promptly serve on a 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 if—
  - (a) the Registrar is satisfied that no jury trials are to be held in the court during the period specified for the person under clause 9(3)(b) or 12(3)(b) or after an appeal under clause 17(1)(b); and
  - (b) the Registrar is satisfied 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.
- (6) The deferral of jury service does not prevent, in respect of a replacement summons issued under subclause (4)(b),—
  - (a) an excusal under clause 10, or clauses 15 to 18, or clause 20;
  - (b) an application under section 15, 15A, or 16 or clause 14, 21, or 22.

*Further excusals*

**20 Judge may excuse person from jury service if not confirmed that they meet COVID-19 jury requirements**

- (1) A Judge may, on their own initiative, excuse a person summoned to attend as a juror on an occasion in the court in which the Judge sits from attending on that occasion if the person has not confirmed to the Judge’s satisfaction that the person meets the COVID-19 jury requirements.
- (2) No application is required under subclause (1).
- (3) This clause applies whether or not the Registrar has declined—
  - (a) to defer the person’s jury service under section 14B or clause 9(1) or 12;
  - (b) to excuse the person from jury service under section 15 or 15A or clause 10 or 14.
- (4) This clause is in addition to the Judge’s discretion to excuse a person from jury service on an occasion under section 16 or clause 21.

**21 Judge may excuse person from jury service on application on other specified COVID-19-related grounds**

- (1) A Judge may under this clause excuse a person summoned to attend as a juror on an 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 the Judge is satisfied that, because of 1 or more matters specified in subclause (4), attendance on the occasion would cause or result in undue hardship or serious inconvenience to that person, any other person, or the general public.
- (4) The matters referred to in subclause (3) are—
  - (a) the person, or a member of the person's family, or a member of the person's household, is particularly vulnerable to COVID-19;
  - (b) the person's financial circumstances have been significantly adversely affected by the effects of COVID-19.
- (5) This clause applies whether or not the Registrar has declined—
  - (a) to defer the person's jury service under section 14B or clause 9(1) or 12;
  - (b) to excuse the person from jury service under section 15 or 15A or clause 10 or 14.
- (6) This clause is in addition to the Judge's discretion to excuse a person from jury service on an occasion under section 16 or clause 20.

**22 Excusal from jury service after repeal of COVID-19 Public Health Response Act 2020**

- (1) The Registrar may excuse a person summoned to attend as a juror on an occasion from attending on that occasion if—
  - (a) the person's jury service was deferred under clause 9(1) or 12, or clauses 15 to 18, before the repeal of the COVID-19 Public Health Response Act 2020; and
  - (b) the person is later issued a replacement summons under clause 19(4)(b) after the repeal of the COVID-19 Public Health Response Act 2020; and
  - (c) a written application is made to the Registrar by or on behalf of the person to be excused from jury service; and
  - (d) the Registrar is satisfied that because of 1 or more matters specified in section 14B(3), attendance on the occasion would cause or result in undue hardship or serious inconvenience to that person, any other person, or the general public.

- (2) The Registrar may ask a person to provide evidence in support of an application if the Registrar reasonably thinks that evidence of that kind is necessary in order to determine the application.
- (3) The jury rules may prescribe the method by which the application is made.
- (4) Section 2(2) applies to an application under this clause.
- (5) This clause is in addition to section 15.

*Constitution of jury*

**23 Selection of jurors**

Section 18 is to be read as if it does not contain “in the precincts of the court”.

*Informalities*

**24 Verdict not affected by informalities**

Section 33 is to be read as if it contains, after paragraph (c),—

- (d) any juror has been erroneously summoned otherwise than as required by a protocol made under clause 4 of Schedule 2:
- (e) of any error, omission, or informality in a deferral of jury service, an excusal from jury service, the selection or swearing in of a person as a juror, or the discharge of a person as a juror under the jury rules or Schedule 2 or a protocol made under that schedule.

*Transitional, savings, and related provisions*

**25 Application of schedule to summons issued before commencement date**

- (1) In this clause, **commencement date** means the date on which this clause commences.
- (2) Clauses 1, 2, 3(1), 4 to 21, and 23 apply to a summons that—
  - (a) is not a replacement summons under section 14C(1)(c); and
  - (b) was issued before the commencement date to attend court for jury service on or after the commencement date.
- (3) The following clauses apply to a replacement summons under section 14C(1)(c) that was issued before the commencement date to attend court for jury service on or after the commencement date:
  - (a) clauses 1, 4 to 8, 10, 14, 20, 21, and 23:
  - (b) clause 3(1) in relation to an excusal described in section 13(3A)(f):
  - (c) clause 11 in relation to an excusal under clause 10, 15, 17, or 20:
  - (d) clauses 15 to 18 in relation to an excusal under clause 10 or 14.
- (4) Clause 24, but only as it relates to section 33(e), applies to a summons (including a replacement summons under section 14C(1)(c)) that was issued before

the commencement date to attend court for jury service on or after the commencement date.

- (5) Nothing in this clause limits the application of—
- (a) section 14B to a summons described in subclause (2);
  - (b) section 15, 15A, 16, or 16AA to a summons described in subclause (2) or (3).

## **26 Matters that lapse on repeal**

- (1) A referral that is made under clause 15 but not determined before clause 15 is repealed—
- (a) lapses at the same time as the repeal of clause 15; and
  - (b) is considered to have been abandoned.
- (2) An appeal under clause 17(1)(a) or (c) that is brought but not determined on the repeal of that clause or is brought after the repeal of that clause—
- (a) lapses at the time of the repeal of clause 17(1)(a) or (c) or when the appeal is brought, whichever is later; and
  - (b) is considered to have been abandoned.
- (3) If an appeal is considered to have been abandoned under subclause (2), the decision of the Registrar on which the appeal is based (whether the Registrar had deferred a person's jury service or excused a person from jury service) ceases to have effect at the same time.

## **Part 2**

### **Temporary amendments to Jury Rules 1990**

#### **5 Temporary amendments to Jury Rules 1990**

Clauses 6 and 7 temporarily amend the Jury Rules 1990.

#### **6 New rules 31 and 32 and cross-heading inserted**

After rule 30, insert:

#### *Temporary provisions in respect of COVID-19*

#### **31 Application of temporary provisions in Schedule 1AA**

- (1) The temporary provisions set out in clauses 1, 2, 3, 5, 6, 7, and 8 of Schedule 1AA apply during the period—
- (a) beginning with the commencement of this rule; and
  - (b) ending on the second anniversary of the date on which the COVID-19 Public Health Response Act 2020 is repealed.
- (2) The temporary provisions set out in clause 4 of Schedule 1AA apply during the period—

- (a) beginning with the commencement of this rule; and
  - (b) ending with the repeal of the COVID-19 Public Health Response Act 2020.
- (3) The temporary provisions have the following effect while they apply:
- (a) clause 1 modifies rule 6:
  - (b) clause 2 modifies rule 7:
  - (c) clause 3 modifies rule 10:
  - (d) clauses 4 and 5 supplement the rules:
  - (e) clause 6 modifies rule 12:
  - (f) clause 7 modifies rule 13:
  - (g) clause 8 modifies form 1A of Schedule 1.
- (4) If a temporary provision replaces a rule,—
- (a) the application of the rule is suspended; and
  - (b) the rule ceases to apply with respect to any relevant matter that arose before the commencement of this rule.
- (5) If a temporary provision is inconsistent with a rule, the temporary provision prevails.
- (6) To avoid doubt, a cross-reference in these rules or any other enactment or document to a rule specified in subclause (3) is to be treated as a cross-reference to the corresponding replacement provision on or after the commencement of this rule.

Compare: 2014 No 71 s 4

### **32 Revocation of temporary provisions in Schedule 1AA**

- (1) Clause 4 of Schedule 1AA is revoked on the date on which the COVID-19 Public Health Response Act 2020 is repealed.
- (2) This rule, rule 31 and the cross-heading above it, and the rest of Schedule 1AA are revoked on the second anniversary of the date on which the COVID-19 Public Health Response Act 2020 is repealed.

### **7 New Schedule 1AA inserted**

After rule 32, as inserted by clause 6, insert:



**Schedule 1AA****Temporary provisions in respect of COVID-19**

rr 31, 32

**1 Preparation of provisional panel in manual selection courts**

Rule 6(6)(b) is to be read as if it contains, after “section 14C(1)(c)”, “or clause 19(4)(b) of Schedule 2”.

**2 Preparation of provisional panel in electronic selection courts**

Rule 7(4)(b) is to be read as if it contains, after “section 14C(1)(c)”, “or clause 19(4)(b) of Schedule 2”.

**3 Registrar to summon jurors**

(1) Rule 10(2) is to be read as if it contains, after “section 14C(1)(c)”, “or clause 19(4)(b) of Schedule 2”.

(2) Rule 10(6) is to be read as if it contains, after “section 14C(1)(c)”, “or clause 19(4)(b) of Schedule 2”.

(3) Rule 10 is to be read as if it contains, after subclause (7),—

(8) Subclauses (3) and (4) apply to a written notice under clause 19(5) of Schedule 2 of the Act in the same way as those subclauses apply to a summons issued under section 13(1) of the Act.

**4 Appeal under clause 17 of Schedule 2 of Act**

(1) This rule applies if—

(a) the Registrar has deferred a person’s jury service under clause 9(1) of Schedule 2 of the Act; or

(b) the Registrar has specified a period under clause 9(3)(b) of that schedule with which a person disagrees and clause 9(6) applies; or

(c) the Registrar has excused a person from jury service under clause 10 of that schedule.

(2) The Registrar must inform the person promptly of their right of appeal against the Registrar’s decision under clause 17 of that schedule.

(3) The applicant may appeal against the Registrar’s decision by—

(a) making oral submissions on the matter to a Judge; or

(b) making a written submission to the court concerned and lodging it with the Registrar.

(4) If the applicant lodges an application with the Registrar under subclause (3)(b), the Registrar must refer the application to a Judge as soon as practicable.

- (5) When an appeal is determined, the Judge must give their decision, or cause their decision to be given, to the appellant promptly in any manner the Judge thinks fit.
- (6) The Registrar's decision to defer jury service or excuse a person from jury service is not suspended while it is under appeal under clause 17 of that schedule.

**5 Appeal under clause 18 of Schedule 2 of Act against Registrar's decision to decline application for deferral or excusal**

- (1) This rule applies if a person summoned for jury service applies to the Registrar to—
  - (a) defer that person's jury service under clause 12 of Schedule 2 of the Act; or
  - (b) be excused from jury service under clause 14 or 22 of that schedule.
- (2) The Registrar must consider the application promptly and inform the applicant of the Registrar's decision as soon as practicable.
- (3) If the Registrar declines the application, the Registrar must inform the applicant promptly of the applicant's right of appeal against that decision under clause 18 of that schedule.
- (4) The applicant may appeal against the decision of the Registrar by—
  - (a) making oral submissions on the matter to a Judge; or
  - (b) making a written submission to the court concerned and lodging it with the Registrar.
- (5) If the applicant lodges an application with the Registrar under subclause (4)(b), the Registrar must refer the application to a Judge as soon as practicable.
- (6) When an appeal is determined, the Judge must give their decision, or cause their decision to be given, to the appellant promptly in any manner the Judge thinks fit.
- (7) No summoned person's liability to attend at the appointed time, or liability to serve as a juror, is limited or affected by this rule or merely because the person has—
  - (a) made an application under clause 12, 14, or 22 of Schedule 2 of the Act; or
  - (b) exercised a right of appeal under clause 18 of that schedule.

**6 Registrar to compile and keep record of jurors summoned**

Rule 12 is to be read as if it contains, after subclause (2)(c),—

- (d) details, recorded in accordance with clause 19(2)(a) of Schedule 2 of the Act, of the exercise of the power of deferral under clause 9(1) or 12, or clauses 15 to 18, of that schedule in respect of the summons:

- (e) details of any excusal from jury service under clause 10, or clauses 14 to 18, or clauses 20 to 22 of Schedule 2 of the Act.

**7 Registrar to prepare jury cards**

Rule 13 is to be read as if it contains, after subclause (1)(d),—

- (e) has not had their jury service deferred under clause 9(1) or 12, or clauses 15 to 18, of Schedule 2 of the Act; and
- (f) has not been excused from jury service under clause 10, or clauses 14 to 18, or clauses 20 to 22 of Schedule 2 of the Act.

**8 Form of replacement summons in Schedule 1**

- (1) In Schedule 1, form 1A, the authorisation is to be read as if it contains a reference to section 13(1) and clause 19(4)(b) of Schedule 2 of the Act.
- (2) In Schedule 1, form 1A is to be read as if it contains, after “*section 14B(1)(b)*”, “*or clause 9(3)(b) or 12(3)(b) of Schedule 2 or after an appeal under clause 17(1)(b) of that schedule*”.

**Part 3**

**Temporary amendments to Legislation (Publication) Regulations 2021**

**8 Temporary amendments to Legislation (Publication) Regulations 2021**

Clause 9 temporarily amends the Legislation (Publication) Regulations 2021.

**9 Schedule 3 amended**

- (1) In Schedule 3, Part 1, after clause 2, insert:

**3 Temporary application of requirement in Part 2**

This clause and the requirement in Part 2 that relates to clause 4 of Schedule 2 of the Juries Act 1981 are revoked on the date on which the COVID-19 Public Health Response Act 2020 is repealed.

- (2) In Schedule 3, Part 2, after the item relating to the Epidemic Preparedness Act 2006, insert:

Juries Act 1981	cl 4 of Schedule 2	If a protocol is made under this clause,— (a) all information necessary or desirable to enable a user to access the protocol using the legislation website ( <a href="https://www.legislation.govt.nz">https://www.legislation.govt.nz</a> ) must be forwarded, without delay, to the PCO; and (b) the PCO must indicate that fact in a suitable place on the legislation website.
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### Legislative history

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31 March 2022	Reported from Justice Committee (Bill 110–2)
12 April 2022	Second reading
13 April 2022	Committee of the whole House
14 April 2022	Third reading
20 April 2022	Royal assent

This Act is administered by the Ministry of Justice.