

JURIES AMENDMENT BILL

EXPLANATORY NOTE

THE main purpose of this Bill is to increase the number of persons available to serve on juries.

By *clause 2* a new list of persons exempt from serving on juries is substituted for the list now in force. The principal change is that with certain exceptions persons in Government service will not be exempt unless they belong to a group specifically exempted by Order in Council or are personally excused from attendance under *clause 4*.

Clause 3 extends the area of the jury districts of Auckland, Wellington, Christchurch, and Dunedin so as to include places within fifteen miles of the courthouse of each of those cities, instead of ten miles as at present.

Clause 4 authorizes Sheriffs to excuse persons summoned as jurors from attending at Court.

Clause 5 is consequential on earlier amendments made to section 16 of the principal Act, simplifying the procedure for the notification of the jury list.

Clause 6 deals with special juries in actions where there are more than two parties. The principal Act provides, in the case of a special jury of twelve, for the drawing of a list of forty-eight jurors and its reduction to twenty-four by the plaintiff and defendant each striking out twelve names. The remaining twenty-four are summoned and the special jury is drawn from them. Corresponding provision is made for a special jury of four, when that is ordered. No provision is made as to the number of names a party may strike out of the list when there are three or more parties to the action. This clause empowers the Court or a Judge, in such a case, to make an order requiring the names of not less than sixty jurors to be placed on the list in the case of a special jury of twelve, and not less than thirty-two in the case of a special jury of four, and fixing the number of names that may be struck out by each party.

Hon. Mr. Webb

JURIES AMENDMENT

ANALYSIS

Title.

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| 1. Short Title. | 5. Section 171 of principal Act (as to offences by constables), amended. |
| 2. Exemption from jury service. Repeals. Commencement. | 6. Powers of Court as to striking and reducing of special jury in civil action where more than two parties. |
| 3. Extension of jury districts. Commencement. | |
| 4. Power of Sheriff to excuse juror from attendance. Repeal. | |

A BILL INTITULED

AN ACT to amend the Juries Act 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Juries Amendment Act 1951, and shall be read together with and deemed part of the Juries Act 1908 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. IV, p. 399

Exemption
from jury
service.

2. (1) The principal Act is hereby amended by repealing sections six to eleven, and substituting the following section:—

“6. (1) A person shall be exempt from serving on any jury if he is one of the following:— 5

“(a) A member of the Executive Council of New Zealand:

“(b) A member of the House of Representatives:

“(c) A Judge of the Supreme Court, a Judge, Deputy Judge or member of the Court of Arbitration, a Judge or Commissioner of the Maori Land Court, the Judge or a member of the Land Valuation Court, a Judge of the Compensation Court, or a Magistrate: 10

“(d) A Visiting Justice under the Prisons Act 1908, or a Coroner: 15

“(e) The Chairman of the Local Government Commission or the Chairman or a member of the Licensing Control Commission:

“(f) An officer of Parliament: 20

“(g) A clergyman in holy orders, or a person who preaches or teaches in any religious congregation but who does not follow any secular occupation except that of teaching:

“(h) A person wholly engaged in teaching at any constituent college of the University of New Zealand, or at any college of the New Zealand School of Agriculture, or at any teachers' training college, or at any school for the general education of persons under the age of nineteen, or at any technical school, technical high school, or combined school; or an inspector of schools: 25 30

“(i) A barrister or solicitor holding an annual certificate for the time being in force under the Law Practitioners Act 1931: 35

“(j) A registered medical practitioner or registered dentist, if actually practising:

“(k) A registered chemist engaged in compounding or dispensing prescriptions: 40

“(l) A member of His Majesty's regular naval, military, or air forces, if on full pay:

See Reprint
of Statutes,
Vol. VI, p. 966

Ibid., Vol. IV,
p. 1060

- “*(m)* A member of the Police Force, or a Traffic Officer within the meaning of the Transport Act 1949: 1949, No. 7
- 5 “*(n)* A pilot appointed or licensed under the Harbours Act 1950, or the Shipping and Seamen Act 1908, or the master or a member of the crew of any ship: 1950, No. 34
See Reprint of Statutes, Vol. VIII, p. 249
- 10 “*(o)* A member of a fire brigade within the meaning of the Fire Services Act 1949: 1949, No. 18
- 15 “*(p)* An officer of the Public Service who is employed in the Head Office of the Department of Justice or is an officer of the Supreme Court or of any Magistrate’s Court or of any prison:
- 20 “*(q)* Without prejudice to the foregoing provisions of this section, a person of such class or description as the Governor-General may from time to time by Order in Council exempt from serving on any jury.
- 25 “(2) A person shall be exempt from serving on any jury if he is a mentally defective person within the meaning of the Mental Defectives Act 1911, or is incapable of serving by reason of blindness, deafness, or any other permanent physical infirmity. See Reprint of Statutes, Vol. V, p. 743
- 30 “(3) The name of any person to whom subsection *one* or subsection *two* of this section applies shall not be inserted in any jury list, nor shall he be summoned as a juror.
- “(4) The name of every member of His Majesty’s forces who is not exempt by virtue of the foregoing provisions of this section shall be inserted in the appropriate jury list, but he shall be exempt from serving as a juror while performing or required to perform naval, military, or air force duties.
- 35 “(5) For the purposes of subsection *four* of this section, a certificate that a person specified therein—
- “*(a)* Is a member of His Majesty’s forces; and
- “*(b)* Is performing or required to perform naval, military, or air force duties on any day so
- 40 specified,—
- shall be conclusive evidence of those facts, if it is signed by a naval, military, or air force officer, as the case may

require, and is sent to the Sheriff of the district in which the said person has been or could be summoned to serve as a juror."

(2) Section two of the principal Act is hereby consequentially amended by repealing the definition of the expression "public railway". 5

(3) Section twenty-two of the principal Act is hereby consequentially amended by omitting all words after the words "strike his name out of such list".

Repeals. (4) The following enactments are hereby repealed, 10
namely:—

See Reprint
of Statutes,
Vol. VII, p. 108

(a) Section fifteen of the Customs Act 1913:

Ibid., Vol. VIII,
p. 39

(b) Section fifteen of the Births and Deaths Registration Act 1924:

1939, No. 33

(c) Section forty-three of the Pharmacy Act 1939. 15

Commencement.

(5) This section shall apply for the purposes of the annual preparation of jury lists and jury books in the year nineteen hundred and fifty-two and every subsequent year:

Provided that it shall not apply, and the enactments repealed thereby shall continue to apply, for the purposes of the exemption of jurors summoned in any district before the first jury books prepared for that district after the commencement of this Act are brought into use. 20

**Extension of
jury districts.**

3. (1) Section twelve of the principal Act is hereby amended as follows:— 25

(a) By inserting in paragraph (a) of subsection one, after the words "ten miles", the words "or, in the case of the cities of Auckland, Wellington, Christchurch, and Dunedin, within fifteen miles": 30

(b) By inserting in paragraph (b) of that subsection, after the words "ten miles", the words "or, in the case of the said cities, fifteen miles". 35

Commencement.

(2) This section shall apply for the purposes of the annual preparation of jury books in the year nineteen hundred and fifty-two and every subsequent year.

4. (1) The principal Act is hereby amended by inserting, after section ninety-six, the following new section:—

Power of Sheriff to excuse juror from attendance.

5 “ 96A. (1) If the Sheriff is satisfied, on written application made to him by or on behalf of any person summoned to attend as a juror on any occasion, that there is good reason for excusing that person from attending on that occasion, the Sheriff may excuse that person from so attending:

10 “ Provided that nothing in this subsection shall affect the power of the Court or a Judge to excuse any person from attending as a juror.

15 “(2) If so required by the Court or a Judge, the Sheriff shall produce to the Court or Judge all applications made under this section by or on behalf of persons summoned for the trial of cases before the Court or Judge, together with any correspondence relating thereto, and shall, where he has allowed any such application, state to the Court or Judge his reasons for doing so.”

20 (2) Section sixty-nine of the principal Act, as amended by section thirty of the Statutes Amendment Act 1949, is hereby further amended by omitting the proviso and substituting the following proviso:—

1949, No. 51

25 “ Provided that if any juror who attends as aforesaid is excused by the Court or a Judge or by the Sheriff from serving as a juror, the parchment bearing the number by which the name of that juror is designated shall be returned by the Sheriff to the box marked ‘ Common Jurors in Use ’.”

30 (3) Section one hundred of the principal Act is hereby amended by inserting, after the words “ the said jury precept ”, the words “ and the list of persons excused under section ninety-six A of this Act ”, and by inserting, after the words “ the said jurors ”, the words “ (other than those so excused) ”.

35 (4) Section thirty of the Statutes Amendment Act 1949 is hereby repealed.

Repeal.
1949, No. 51

40 5. Section one hundred and seventy-one of the principal Act is hereby amended by repealing paragraph (g), and substituting the following paragraph:—

Section 171 of principal Act (as to offences by constables), amended.

“(g) Refusing or neglecting to fix the notice required by section sixteen of this Act at the places and within the time specified in that section.”

Powers of Court
as to striking
and reducing of
special jury in
civil action
where more than
two parties.

6. (1) Notwithstanding anything in sections seventy-five, seventy-six, and eighty-three of the principal Act, where an order is made for the trial by a special jury of any action to which there are more than two parties, the Court or a Judge may, by the same or any subsequent order,— 5

(a) Fix the number of special jurors, being not less than sixty in the case of a special jury of twelve, and not less than thirty-two in the case of a special jury of four, whose numbers are to be drawn by the Sheriff and whose names are to be entered by him on the lists for striking the special jury: 10

(b) Fix or reduce the number of names that may be struck out from the lists by any party to the action so that the names remaining on the lists shall be reduced to twenty-four in the case of a special jury of twelve, and to eight in the case of a special jury of four: 15

(c) Make such other provision as may be necessary to give effect to any order under this section. 20

(2) The powers conferred on the Court or a Judge by subsection *one* of this section may in like manner be exercised in any case where an order is made for the trial by a special jury of any action, whether or not there are more than two parties thereto, if after the making of that order any party is added, whether as a plaintiff or as a defendant, before the special jury panel is prepared. 25

(3) The powers conferred by this section may in like manner be exercised in any case where before the commencement of this Act an order has been made for the trial by a special jury of any action to which this section applies, if the special jury panel has not been prepared. 30

(4) Where any order is made under this section, the provisions of sections seventy-three to eighty-three of the principal Act shall, in their application to the action, be read and construed subject to the provisions of the order, and shall accordingly apply with such modifications as may be necessary to give effect to the order. 35 40