



## THE JURY RULES 1982

DAVID BEATTIE, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 5th day of April 1982

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 35 of the Juries Act 1981, His Excellency the Governor-General, acting on the advice of the Minister of Justice tendered after consultation with the Chief Justice, the Chief District Court Judge, and the President of the New Zealand Law Society, and by and with the consent of the Executive Council, hereby makes the following rules.

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## RULES

**1. Title and commencement**—(1) These rules may be cited as the Jury Rules 1982.

(2) These rules shall come into force on the 1st day of May 1982.

**2. Interpretation**—(1) In these rules, unless the context otherwise requires,—

“The Act” means the Juries Act 1981:

“Coextensive jury districts” means a jury district constituted under subsection (1) of section 5 of the Act and a District Court jury district constituted under subsection (2) of that section, the 2 districts comprising the same area:

“Jury list”, in relation to coextensive jury districts, includes a copy of the jury list for those districts:

“Secretary” means the Secretary for Justice.

(2) For the purposes of rules 15 to 21 of these rules, the term “Registrar” includes any officer of a Court who is deputed by a Registrar of that Court to perform the functions of the Registrar for the purposes of a particular trial.

### *Jury Lists*

**3. Registrar to require preparation of list**—The Registrar of the Court in every jury district shall, on or before the date fixed for the purpose and notified to him by the Secretary (being not later than the 1st day of November) in every year, forward to the Secretary a notice on a form supplied by the Secretary requesting the preparation of a list of jurors for the jury district, and stating the number of persons that in the Registrar’s estimate will be required for the new jury list.

**4. Secretary to call upon Chief Registrar of Electors to prepare jury lists**—(1) The Secretary shall, on or before the 1st day of November in every year, send to the Chief Registrar of Electors a notice calling upon him to prepare a list of jurors for each jury district specified in the notice.

(2) The Secretary shall, in the notice,—

(a) Clearly describe each jury district for which a jury list is required; and

(b) State the number of persons to be included in each such list, being—

(i) In the case of coextensive jury districts, the sum of the numbers specified in respect of those districts by the Registrar of the High Court and the Registrar of the District Court under rule 3 of these rules; or

(ii) In any other case, the number specified in respect of that district by the Registrar under that rule; and

(c) State the address of the Registrar to whom each jury list is to be sent.

**5. Chief Registrar of Electors to prepare lists and forward to Registrars**—(1) As soon as practicable after receipt of the notice under rule 4 of these rules, the Chief Registrar of Electors shall, in respect of each jury district specified in the notice, compile a jury list in accordance with subsections (2) to (4) of section 9 of the Act.

(2) When the Chief Registrar of Electors has completed a jury list, he shall number the names on it consecutively, commencing with the number "1".

(3) Having complied with subclauses (1) and (2) of this rule, the Chief Registrar of Electors shall,—

- (a) In the case of coextensive jury districts, forward the jury list for those districts to the Registrar of the High Court, and a copy of that list to the Registrar of the District Court, in those districts; or
- (b) In any other case, forward each jury list to the appropriate Registrar.

**6. Registrar to prepare numbered cards—**(1) On receipt of the jury list from the Chief Registrar of Electors under rule 5 (3) of these rules, the Registrar shall, in respect of each name on the list, prepare a card bearing the number assigned to that name by the Chief Registrar of Electors under rule 5 (2) of these rules.

(2) In the case of co-extensive jury districts, the Registrar of the High Court only (and not the Registrar of the District Court) shall comply with subclause (1) of this rule.

**7. Registrar to ensure confidentiality of jury list—**The Registrar shall ensure that, when a jury list is not in use, it is kept in the court safe, and generally shall take all such steps as he considers necessary to protect the confidentiality of the list, having regard to the provisions of section 9 (6) of the Act.

### *Jury Panels*

**8. Registrar to prepare provisional panel—**(1) Whenever, under section 13 (1) of the Act, the Registrar is required to prepare a panel from the jury list, he shall place all the numbered cards prepared under rule 6 of these rules in a suitable container and shall draw from the container, in such a manner as to ensure random selection, a sufficient number of cards to ensure enough jurors for the period in respect of which the panel is to be used.

(2) As each card is drawn, the number on it shall be recorded, and the card kept separate until sufficient cards have been drawn.

(3) When he has drawn sufficient cards, the Registrar shall record in writing, in alphabetical order of surname, the names of persons corresponding to the numbers drawn, and their addresses, occupations, and dates of birth.

**9. Registrar to check provisional panel and draw up final panel—**(1) After preparing the written record required by rule 8 (3) of these rules but before summoning the jurors in accordance with rule 10 of these rules, the Registrar shall check the record, and shall strike out the name and other particulars of any person who, according to the Registrar's information, is dead or has left New Zealand or is over the age of 65 years, or who is otherwise prevented from serving on a jury by the Act or excused by an order of a Judge from jury service for a period not yet expired.

(2) After complying with subclause (1) of this rule, the Registrar shall set out the remaining names, addresses, and occupations (but not dates of birth) in a fresh record, and that record shall constitute the jury panel.

*Attendance and Excusal*

**10. Registrar to summon jurors**—(1) The Registrar shall summons each juror on the panel at least 10 clear days before the date on which the juror is required to attend the Court.

(2) Every such summons shall be in form 1 in the First Schedule to these rules.

(3) Service of a summons may be effected in any of the following ways:

(a) By personal service:

(b) By ordinary post, addressed to the juror at the address shown on the jury list, or by leaving it at that address:

(c) By registered post, addressed to the juror at that address.

(4) Personal service may be proved by affidavit or upon oath at the hearing.

(5) Where service is effected by registered post, the summons shall, in the absence of evidence to the contrary, be deemed to have been served on the juror when the letter would have been delivered in the ordinary course of post; and in proving service it shall be sufficient to prove that the summons was properly addressed and posted.

**11. Excusal from jury service**—(1) Where any person summoned for jury service applies to the Registrar to be excused from service under section 15 of the Act, the Registrar shall consider the matter and inform the applicant of his decision as soon as practicable.

(2) If he declines the application, the Registrar shall also inform the applicant of his right of appeal against that decision under section 15 (4) of the Act.

(3) Where the applicant wishes to appeal, he may—

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

(b) Require the Registrar to place a written application before a Judge, in which case the Registrar shall refer the document to a Judge as soon as practicable.

(4) When an appeal is determined, the Judge shall give or cause his decision to be given to the appellant in such manner as the Judge thinks fit.

(5) Every person who is summoned for jury service shall, notwithstanding any application or appeal under section 15 of the Act and this rule, remain liable to attend at the appointed time unless informed by a Judge or the Registrar that he has been excused from jury service.

**12. Registrar to keep record of jurors summoned or excused**—The Registrar shall keep a record of the names of persons summoned for jury service, and of those excused from service, for a period of at least 2 years.

**13. Registrar to prepare jury cards**—The Registrar shall prepare a separate jury card in respect of each juror summoned for, and not excused from, jury service, and shall place the cards in a suitable receptacle, to be known as the ballot box.

**14. Jurors to assemble in Court precincts**—The jurors summoned to attend a Court at a particular time shall assemble at that time in the area of the Court precincts designated for the purpose by the Registrar.

*Constitution of Juries*

**15. Balloting of jurors**—When a jury is required for a particular trial, the Registrar shall, in the presence of the available jurors and of any party who wishes to be present, draw out of the ballot box, in such a manner as to ensure random selection, a sufficient number of jury cards.

**16. Escorting of jurors to courtroom**—Where the balloting of jurors takes place out of the courtroom in which the trial is to be held, the Registrar shall, when balloting has been completed, escort the balloted jurors to that courtroom.

**17. Calling of jurors**—(1) In the presence of the parties, each juror shall be called in the order in which his name is drawn in accordance with rule 15 of these rules.

(2) As a juror is called, he shall move forward and take his seat unless challenged or ordered to stand by.

**18. Insufficiency of jurors**—If, after all proper challenges have been allowed, there are insufficient jurors to constitute a jury, the Registrar shall ballot further jurors in accordance with rule 15 of these rules, and so on until sufficient jurors remain after all such challenges have been allowed.

**19. Excess of jurors**—The jury cards balloted but not required for a particular trial shall be returned to the ballot box.

**20. Swearing of jurors**—The persons who constitute the jury shall be sworn in open Court in form 2 in the First Schedule to these rules.

**21. Cards kept apart until verdict recorded or jury discharged**—The cards of the persons who constitute the jury shall be kept apart until the jury's verdict has been given or the jury has been discharged.

**22. Secretary may prescribe and supply information to accompany jury summons**—Notwithstanding anything in rule 10 of these rules, the Secretary may from time to time prescribe such information as he considers necessary or desirable for the purposes of the Act and these rules to be printed on or delivered with every summons served under that rule; but the service of any such summons shall not be deemed ineffectual merely because any such information so prescribed was not printed on or delivered with the summons.

*Miscellaneous Provisions*

**23. Security for costs of view in civil case**—The Registrar shall fix the amount of a deposit required under section 29 (1) of the Act to be made in respect of the expenses of a view in a civil case as the sum that he reasonably considers to be sufficient to cover the travelling expenses of the Judge, the jurors, the parties and their counsel, and any other person that the Judge directs to attend the view.

**24. Fee for jury in civil cases**—The fee payable in a civil case under section 31 of the Act for every day or part of a day on which the jury serves shall be \$156.

**25. Accommodation, refreshment, and meals**—During any trial, the Registrar shall provide the jurors with such accommodation, refreshment, and meals as the Judge may think fit to direct.

**26. Fees and expenses**—(1) Every juror shall be paid a fee for attendance at any sitting of the Court at the rate specified in Part A of the Second Schedule to these rules.

(2) Every juror shall be entitled to travelling expenses fixed in accordance with Part B of the Second Schedule to these rules.

**27. Revocations**—The regulations and order specified in the Third Schedule to these rules are hereby revoked.

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SCHEDULES

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FIRST SCHEDULE

FORMS

Rule 10 (2)

Form 1

JURY SUMMONS

..... Court  
at .....  
Telephone:

To: [Full name and address]

**YOUR NAME HAS BEEN DRAWN AT RANDOM FROM THE JURY LIST.**

You are summoned to attend as a juror at the High (or District) Court foyer, [Street], [Town] on ..... the ..... day of ..... 19..... at 9.45 a.m. for that day and the rest of that week.

If your address has changed from that given above please inform me right away.

If you are not listed in the telephone book, please give me a contact number so you can be told if there are any changes to the sitting times of the Court.

If you wish to be excused from jury service at the time specified above, please write to me immediately.

If you require any further information please telephone the number shown above and ask for the Jury Officer.

.....  
Registrar

FIRST SCHEDULE—*continued*

Form 2

JUROR'S OATH

Rule 20

Members of the Jury:

Do each of you swear by Almighty God (*or solemnly and sincerely affirm*) that you will try the case before you to the best of your ability and give your verdict according to the evidence?



SECOND SCHEDULE

Rule 26

FEES AND EXPENSES

PART A

*Fees*

1. The rates at which fees shall be paid to jurors for attendance at sittings of the Court, whether in civil or criminal cases, shall be as follows:

\$

- (a) For every day on which attendance is required for a period not exceeding 3 hours ... .. 6.50

Provided that the fee prescribed by paragraph (b) of this clause may be paid in any case where the Registrar is satisfied that the juror, because of his attendance at Court, will be absent from his work for a full day:

- (b) For every day on which attendance is required for a period exceeding 3 hours ... .. 13.00

Provided that where attendance is required after 6 o'clock in the afternoon, and the Judge has not directed that an evening meal be provided by the Registrar, the fee shall be ... .. 15.00

2. Notwithstanding clause 1 of this Part, the Secretary may authorise the sums payable under that clause to be increased in any case where he considers that by reason of exceptional circumstances it is desirable to do so.

PART B

*Expenses*

The expenses to be paid to jurors for travelling to and returning from any sittings of the Court shall be as follows:

- (a) The actual cost of travelling by public conveyance:
- (b) In special circumstances, where the Registrar thinks fit, the cost of travelling by taxi:
- (c) Where no public conveyance is available, and no allowance is made under paragraph (b) of this Part, if the distance travelled exceeds 3 kilometres one way, an allowance at the rate of 8.5c a kilometre.

Rule 26

**THIRD SCHEDULE**  
**REGULATIONS AND ORDER REVOKED**

Title	Serial Number
The Juries Regulations 1964 ... ..	1964/58
The Juries Regulations 1964, Amendment No. 1 ... ..	1967/43
The Juries Fees Regulations 1974 ... ..	1974/63
The Juries Fees Order 1981 ... ..	1981/209

P. G. MILLEN,  
Clerk of the Executive Council.

**EXPLANATORY NOTE**

*This note is not part of the rules, but is intended to indicate their general effect.*

These rules prescribe the procedure to be followed for the compilation of jury lists and jury panels, the constitution of juries, the swearing of jurors, the payment of fees and expenses to jurors, and various other matters for the purposes of the Juries Act 1981.

Issued under the authority of the Regulations Act 1936.  
Date of notification in *Gazette*: 7 April 1982.  
These rules are administered in the Department of Justice.