

## A-Z Guide

# Jury Service



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## Overview

The Juries Act 1981 provides that any person currently registered as an elector can be summoned to jury service in New Zealand. Unless the person is excused early, they will be required to attend the court for the entire week in which they are summoned. If the person is sworn to try a case that continues beyond the end of the week they must attend until the end of the trial. There is also the ability for persons called to apply for deferral of their jury service to a more convenient time within 12 months of the original summons date.

## Deferral of Jury Service

The Registrar may permit a person summoned to attend as a juror on an occasion to defer that person's attendance to serve as a juror to a time within a period that starts at least 8 weeks, and ends no later than 1 year, after the date on which the person is required to attend under the summons. However, the Registrar may exercise that power only once for each summons of that kind.

The Registrar must also be satisfied, on a written application, that attendance on that occasion would cause or result in undue hardship or serious inconvenience to that person, any other person, or the general public due to:

- The nature of that person's occupation or business, or of any special and pressing commitment arising in the course of that person's occupation or business; or
- That person's disability; or
- That person's state of health, or family commitments, or other personal circumstances.

## Being excused from Jury Service

The Registrar of the Court may excuse any person from jury service who applies in writing if they are satisfied that the person's attendance would result in undue hardship or serious inconvenience to them or to any other person or to the general public, taking into account:

- Any special or pressing obligation arising from that person's business or occupation; or
- That the person has difficulties in understanding or communicating in the English language, so that they are not capable of acting effectively as a juror; or
- That person's disability; or
- That person's state of health, or family commitments or other personal circumstances;

The person may also be excused because:

- The person is a member of a religious sect, and service as a juror is incompatible with that sect's tenets; or
- The person is over 65 years of age; or
- The person has served on a jury within the previous 2 years.

If one of your employees is summoned, you must allow them time away from work to attend jury service. If you believe that your employee cannot be released for that time, you should write in support of their application to be excused or in support of a deferral. Failure to attend the court when summoned is an offence under the Act which carries a fine up to \$1,000.

Unless you have agreed in your employment agreement to pay the employees' wages or salary during this time, **you are not required to pay the employee** for the time they are absent from work on jury service. However, it is not uncommon for employment agreements to provide that the employer will pay the employee's normal pay for the first 5 days of jury service, provided that the employee returns to work immediately on any day that their presence is not required to serve on a jury and, provided that the employee gives the employer the fees paid by the court. If you are not obliged to pay an employee while on jury service, consideration should be given to the likely length of the absence before it is paid.



## Fees for Jury Service

The fees paid by the Department of Courts where a person actually serves on a jury are:

### First week:

- \$31 per half day
  - not more than 3 hours
- \$62 per full day
  - less than 3 hours if the Registrar is satisfied that the juror will be absent from work for a full day because of attending the Court
  - more than three hours but not required to attend after 6pm
- \$89 per day if the juror has to attend for more than 3 hours and after 6pm but not after 9pm
- \$127 per day if the juror has to attend for more than 3 hours and after 9pm

### Subsequent weeks (every day after the 5th day):

- \$40 per half day
  - not more than 3 hours
- \$80 per full day
  - less than 3 hours and the Registrar is satisfied that the juror will be absent from work for a full day because of attending the Court
  - more than three hours but not required to attend after 6pm
- \$114 per day if the juror has to attend for more than 3 hours and after 6pm but not after 9pm
- \$163 per day if the juror has to attend for more than 3 hours and after 9pm

### Travel Expenses

The following expenses are payable to a juror for travelling from home to attend the Court when duly summoned, or returning home after attending the Court when duly summoned:

- the actual cost of travelling by public transport
- the actual cost of travelling by taxi if the Registrar is satisfied that there was no other reasonably convenient public transport available to the juror and either
  - that the juror did not have convenient access to a private motor vehicle; or
  - that the use of a taxi and avoidance of parking costs was, in the circumstances, more convenient than the use of a private motor vehicle
- 38 cents per kilometre if the juror does not travel by taxi or other public transport and their home is more than 3 km away.

### Childcare

Jurors are entitled to be reimbursed for the actual and reasonable costs of childcare incurred to attend the Court if they provide evidence of this cost. Jurors can claim up to \$80 each day, per child, for professional childcare and up to \$40 each day, per child, for childcare from family or whanau, or a friend or neighbour.

Payment is made weekly directly into a nominated bank account, or by cheque.



## Remember

- Always call AdviceLine to check you have the latest guide
- Never hesitate to ask AdviceLine for help in interpreting and applying this guide to your fact situation.
- Use our AdviceLine employment advisors as a sounding board to test your views.
- Get one of our consultants to draft an agreement template that's tailor-made for your business.

This guide is not comprehensive and should not be used as a substitute for professional advice.

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