



**CHIEF HIGH COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA O TE KŌTI MATUA O AOTEAROA
Justice Susan Thomas**

**ACTING CHIEF DISTRICT COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA WHAKAKAPI O TE KŌTI-Ā-ROHE O AOTEAROA
Judge John Walker**

**PROTOCOL CONCERNING HIGH COURT AND DISTRICT COURT JURY TRIALS
APPLICABLE FROM 13 SEPTEMBER 2022**

Preliminary provisions

1. This protocol is issued by the Chief High Court Judge and the Chief District Court Judge under cl 4 of schedule 2 to the Juries Act 1981. It has effect from 13 September 2022.
2. In this protocol:
 - (a) “Chief Judge” means:
 - i. in relation to High Court jury trials, the Chief High Court Judge;
 - ii. in relation to District Court jury trials, the Chief District Court Judge;
 - (b) references to rules are references to rules in the Jury Rules 1990.

Requirements for jurors during trials

3. Every juror must wear a KN95 (or equivalent) mask in the courtroom and/or the jury retiring room if directed to do so by the presiding judge.
4. Every juror must, while in the courtroom, comply with any distancing requirements imposed by the presiding judge.
5. The presiding judge may direct that jurors are required to take a Rapid Antigen Test (RAT) on the first day of a jury trial and/or on any subsequent days of the trial, if the judge is satisfied that it is reasonably necessary to do so in the interests of justice and to protect health and safety in the courts.
6. Any juror with any symptoms of COVID-19, however minor, is required to take a RAT before attending court.
7. A juror must promptly advise the Court registry if:
 - (a) They test positive for COVID-19;
 - (b) They become aware that they are a household contact of a confirmed COVID-19 case;

(c) They have any symptoms of COVID-19, however minor.

Additional provisions in relation to summoning and selection of jurors

8. The modifications to the Jury Rules 1990 set out in the protocol dated 21 April 2022 are revoked and replaced by the provisions set out in schedule 1 to this protocol, with effect from 13 September 2022.

Dated 12 September 2022

Hon Justice Susan Thomas
Chief High Court Judge

Judge John Walker
Acting Chief District Court Judge

Schedule 1 – Additional Provisions in relation to Summoning and Selection of Jurors

1. The additional provisions set out in this schedule concerning the summoning and selection of jurors under the Jury Rules 1990 apply in relation to all jury trials conducted in the High Court and District Court with effect from 13 September 2022.

Additional provisions to facilitate distancing of summoned jurors

2. The Registrar may designate more than one area for assembly of summoned jurors under rule 14, and may require jurors to assemble in separate groups in two or more separate areas.
3. Where rule 16 applies:
 - (a) some balloted jurors may be escorted to the courtroom, and others may be escorted to one or more separate rooms or areas of the court precincts; or
 - (b) the balloted jurors may be escorted to two or more separate rooms or areas of the court precincts other than the courtroom.
4. There must be arrangements in place at each room or area to which balloted jurors are escorted under cl 3 to ensure that, as cards are drawn in accordance with rule 17, the jurors are able to hear their names being called in accordance with rule 19 (for example, by audio or audio-visual link).

Pre-balloting at supplementary court location

5. The Chief Judge may designate a location as a supplementary court location for the purpose of preliminary balloting of jurors under rule 15.
6. A summons issued by the Registrar under rule 10 may require a juror to attend at a supplementary court location. The modified form of jury summons set out in schedule 2 may be used.
7. Where a summons requires a juror to attend at a supplementary court location, all references in the Rules to attendance at the court must be read as including a reference to attending at that supplementary court location, and all references in the Rules to the court precincts must be read as including a reference to that supplementary court location.
8. The preliminary balloting of jurors for a trial provided for in rule 15 may be conducted before the date on which the trial is to commence. Where the preliminary balloting of jurors is conducted before the trial date, the balloted jurors:
 - (a) Need not be escorted immediately to the courtroom under rule 16;

- (b) Must be advised of the place, date and time at which they are required to attend for the purpose of balloting of jurors under rule 17;
 - (c) On their arrival at court at the specified time and date, will be escorted to the courtroom and/or to another location or locations in the court precincts in accordance with cl 3 above.
9. When conducting preliminary balloting under rule 15 –
- (a) The available jurors need not be in the presence of the Registrar;
 - (b) The available jurors may be assembled in two or more different locations, as directed by the Registrar;
 - (c) The available jurors in each location must be able to hear each name as it is called out (for example, by audio or audio-visual link).

Pre-balloting without jurors present

10. A Judge may direct that preliminary balloting under rule 15 for a particular trial is to take place without the available jurors present. Where such a direction is given:
- (a) The preliminary balloting will be conducted by the Registrar in the precincts of the court without the available jurors present;
 - (b) The preliminary balloting for the trial may be conducted by the Registrar before the date on which the jury is required for that trial;
 - (c) The parties must be advised of the time and date at which the preliminary balloting will be conducted, and may be present at that preliminary balloting;
 - (d) The available jurors must be advised of the time and date at which the preliminary balloting will be conducted, and provided with the opportunity to observe that preliminary balloting by audio-visual link and/or to hear it by audio link;
 - (e) The Registrar may advise available jurors who have not been balloted in the preliminary ballot that they have not been balloted, and advise them whether they are required to attend court on the date and time specified in their jury summons, or at a later time and date in the week for which they have been summoned;
 - (f) The Registrar may advise each juror who has been balloted in the preliminary ballot that they have been balloted, and advise them of the time and date at which they must attend court for the purpose of balloting of jurors under rule 17 (which may be the time and date specified in their jury summons, or any later time and date in the week for which they have been summoned);

- (g) On their arrival at court at the specified time and date, the balloted jurors will be escorted to the courtroom and/or to another location or locations in the court precincts in accordance with cl 3 above.
11. The Chief Judge may direct that the preliminary balloting procedure set out in cl 10 above will be adopted for all trials to be held at one or more specified courts during a specified period. Any directions given under the previous version of this Protocol issued on 21 April 2022 continue to apply until modified or withdrawn by the Chief Judge.

Schedule 2: Modified Form 1

Form 1 Jury summons

[Section 13\(1\), Juries Act 1981](#)

To *[full name, address]*

Your name has been randomly selected from the jury list. You are therefore required to attend for jury service—

at *[name and address of court or supplementary court location]*

on *[day and date]*

at *[time]*.

You must also attend for the rest of that week, if required, at the same place and time or at a court specified by the Registrar in a written notice given to you. If sworn to try a case that continues beyond the end of that week, you must continue to serve until the case is determined or you are discharged by the court.

If you fail to attend as required, or refuse or neglect to serve, you may be liable under the [Juries Act 1981](#) to a fine of up to \$1,000, or to arrest to secure your attendance. You may, however, apply to have this summons cancelled, or to be permitted to defer your jury service, or to be excused from jury service.

Date:

Signature:

(Registrar)