

**HIGH COURT OF NEW ZEALAND
THE HONOURABLE JUSTICE
THOMAS
CHIEF HIGH COURT JUDGE**



**TE KŌTI MATUA O AOTEAROA
TE HŌNORE KAIWHAKAWĀ MĀTĀMUA
THOMAS
KAIWHAKAWĀ MATUA O TE KŌTI
MATUA O AOTEAROA**

**CHIEF DISTRICT COURT JUDGE FOR
NEW ZEALAND
JUDGE HEEMI TAUMAUNU**

**TE KAIWHAKAWĀ MATUA O TE KŌTI-
Ā-ROHE O AOTEAROA
KAIWHAKAWĀ HEEMI TAUMAUNU**

22 December 2021

MEDIA STATEMENT – MODIFICATION OF JURY RULES 1990 FOR HIGH COURT AND DISTRICT COURT JURY TRIALS

Protocol issued by Chief Judges to modify Jury Rules to protect health and safety of jurors

The Chief High Court Judge and the Chief District Court Judge have issued a Protocol modifying the Jury Rules 1990 as they apply to jury trials in the High Court and District Court.

[The Protocol](#) is issued under s 24A of the Epidemic Preparedness Act 2006. It will apply from 24 January 2022 onwards.

Purpose of the Protocol

The purpose of the Protocol is to enable jury selection to take place in 2022 using processes that protect the health and safety of people summoned for jury service at a time when COVID-19 is expected to be present in the community.

Background

COVID-related restrictions had a significant impact on the conduct of jury trials throughout New Zealand in 2021 and meant that a large number of scheduled trials could not be held, particularly in the Auckland courts. The High Court and District Courts are committed to addressing the consequential delays and will conduct jury trials at all “traffic light” settings under the COVID-19 Protection Framework once jury trials resume in 2022.

The judiciary is committed to protecting the health and safety of people summoned for jury service, and of those chosen to serve as jurors. The Jury Rules govern the process to be followed when a jury is selected. The Chief Judges of the High Court and District Court have decided that it is necessary in the interests of justice to modify the process set out in the Jury Rules in order to protect the health and safety of jurors while enabling jury trials to go ahead in 2022.

Summary of modifications

The modifications to the jury selection process are designed to limit the number of people who need to be assembled in one place at any one time, while ensuring that the jury selection process remains transparent and efficient. The Protocol does this by providing a number of options for the physical arrangements for preliminary balloting of jurors and jury selection. In summary, the Protocol:

- Enables prospective jurors to be assembled in different areas of the courthouse. This will facilitate physical distancing, and will enable groups of prospective jurors to be kept separate during the jury selection process;

- Enables preliminary balloting to take place at a different location if there are capacity constraints at the courthouse and a larger venue would allow for better physical distancing of prospective jurors;
- Allows preliminary balloting for a trial to take place on a day before the trial is due to begin, so that only the jurors who have been balloted for a particular trial need to come to the courthouse on the day of that trial;
- Allows pre-balloting to take place without prospective jurors being present. The parties can attend the pre-balloting. Prospective jurors will be offered the opportunity to observe or listen to the pre-balloting process by remote technology, and will be advised of the outcome so they know if they need to come to the courthouse on the day of the trial.

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