

## 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.

Once a person is summoned to be a juror, they need to accept the summons, apply for a deferral or apply for an excusal. A form to respond can be found on the Ministry of Justice's website.

Failure to attend the court when summoned is an offence under the Act which carries a fine up to \$1,000.

## Deferral of jury service

A deferral is temporarily putting off jury service. When a person is summoned by the Court as a juror for Jury service, they can only be deferred once.

A person can ask the Court to defer their jury service to a more convenient date, but the date must be within the following 12 months or 24 months if applying for COVID-19 reasons if:

- their financial circumstances have been significantly adversely affected by the effects of COVID-19
- They, or a family member, or a member of their household, is particularly vulnerable to COVID-19.

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
- That person's disability
- That person's state of health, 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



- 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
- That person's disability
- That person's state of health, or family commitments or other personal circumstances

The person may also be excused because:

- The person has a pressing or special commitment at work
- The person is a member of a religious sect, and service as a juror is against their religion
- The person is over 65 years of age
- The person has served on a jury within the previous 2 years
- The person has a severe health condition or disability
- The person has family commitments
- The person lives outside the jury district
- The person has a job that makes them ineligible to be a juror (Juries Act 1981, section 8)

## Employer's obligations

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.

An employer can assist to provide evidence for the employee's application to defer or excuse them from jury service only if they have a special or pressing commitment for your business or their job. Proof would include a letter from the employer saying why it would cause them undue hardship or serious inconvenience if the person did jury service along with proof of the nature of the business or a copy of a contract.

Unless you have agreed in your employment agreement to pay the employee's 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.** You should both agree whether they would take annual leave or unpaid leave during this period. 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.

## Fees for Jury Service

Payment for attending jury service will be made by the Court weekly directly into a nominated bank account. The court will pay back any claimed expenses within two weeks from the date the court received the claim form and supporting documents. The fees paid by the Department of Courts where a person actually serves on a jury are:



	First 5 days you attend court	6th and Subsequent days you attend court
For each half day	\$31	\$40
If you're at court between 6pm-9pm	\$89	\$114
If you're at court after 9pm (this is your payment for the whole day)	\$127	\$163

### Travel Expenses

The following expenses are payable to a juror by the Court for travelling from home to attend jury service 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 is using their own vehicle
- Car parking reimbursement

### 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 whānau, or a friend or neighbour.

## Remember

- Always call AdviceLine on 0800 300 362 to check you have the latest guide.
- Never hesitate to ask AdviceLine for help in interpreting and applying this guide to your 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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