

JURY (AMENDMENT) ACT, 1981, No. 34

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 34, 1981.

An Act to amend the Jury Act, 1977, with respect to the amendment of general jury precepts and the imposition of penalties upon persons who fail to attend for jury service, and in other respects. [Assented to, 15th May, 1981.]

Jury (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "Jury (Amendment) Act, 1981".

Amendment of Act No. 18, 1977.

2. The Jury Act, 1977, is amended in the manner set forth in Schedule 1.

Savings.

3. A record made under section 64 (1) of the Jury Act, 1977, as in force before the commencement of this Act, shall be deemed to be a record made under section 64 (1) of that Act, as substituted by this Act.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE JURY ACT, 1977.

(1) Section 24 (2)—

Omit the subsection, insert instead :—

(2) The authorised officer who issued a general jury precept may require the sheriff, by notice in writing or in any other manner approved by the sheriff—

- (a) to summon a different number of jurors from that specified in the precept; or
- (b) to summon jurors to attend at a different time or place from that specified in the precept.

Jury (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE JURY ACT, 1977—*continued.*

(2) Section 28 (1)—

Omit “specified in a general jury precept at which jurors are required to attend”, insert instead “at which the attendance of jurors is required for the purposes of a general jury precept”.

(3) (a) Section 38 (1) (b)—

Omit “the presiding judge of”.

(b) Section 38 (1) (b)—

Omit “judge presiding at a”.

(c) Section 38 (5)—

Omit “judge”, insert instead “court”.

(4) Section 60 (2)—

At the end of section 60, insert :—

(2) Where the sheriff notifies a person of an alteration in the time or place at which the person is required by a summons to attend for jury service, the person does not fail to attend for jury service for the purposes of this Part if he attends at the altered time or place as so notified to him.

Jury (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE JURY ACT, 1977—*continued.*

(5) Section 64 (1)—

Omit the subsection, insert instead :—

(1) Where a person fails to attend for jury service at a court, coronial inquest or jury pool, a record of that fact shall be made—

(a) in the case of a person summoned pursuant to a general jury precept, on the panel annexed to the precept; or

(b) in the case of a person summoned pursuant to a jury pool precept, on the list referred to in section 32 (1),

by order of the court, of the coroner holding the inquest or of any court in which trials to which the jury pool relates are held, as the case may be.

(6) (a) Section 65 (1), (2)—

Omit the subsections, insert instead :—

(1) Where a person declines to be dealt with under section 64 in respect of a failure to attend for jury service at a court or jury pool, the sheriff shall refer the matter to any judge of that court or to a judge of any court in which trials to which the jury pool relates are held, as the case may be.

(2) A judge to whom a matter concerning a person who declines to be dealt with under section 64 is referred under subsection (1) may—

(a) approve of the sheriff taking proceedings in respect of the matter under section 66; or

Jury (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE JURY ACT, 1977—*continued.*

(b) at a sitting of the court or in chambers, summarily impose on the person the penalty prescribed under section 63 for his failure to attend for jury service unless he is satisfied that the person had reasonable cause for that failure.

(b) Section 65 (3)—

Omit “subsection (2)”, insert instead “subsection (2) (b)”.

(7) Section 66 (1), (1A), (2)—

Omit section 66 (1) and (2), insert instead :—

(1) Subject to subsection (1A), where a person declines to be dealt with under section 64 in respect of a failure to attend for jury service, proceedings for a contravention of section 63 may be taken by the sheriff against the person in a summary manner before a court of petty sessions constituted by a stipendiary magistrate sitting alone and situated in the jury district within which the person was required to attend for jury service.

(1A) The sheriff shall not take proceedings under subsection (1) in respect of a failure to attend for jury service at a court or jury pool unless a judge has, pursuant to section 65 (2), approved of those proceedings being taken by the sheriff.

(2) In any proceedings under subsection (1), a certificate under the hand of the sheriff stating that—

(a) a specified person is recorded as having failed to attend for jury service;

(b) a specified person has declined to be dealt with under section 64; or

Jury (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE JURY ACT, 1977—*continued.*

(c) approval has been given pursuant to section 65 (2) for the proceedings to be taken, shall be evidence of the matters so stated in the certificate.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 15th May, 1981.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981

Aug 29, 1951

July 1, 1951

SCHEDULE 1 - continued

AMENDMENT TO THE JURY ACT, 1944 - continued

(c) approval has been given pursuant to section 65
(1) for the proceedings to be taken,
shall be evidence of the matter so stated in the certificate.

In the above and as defined in the Statute I assent to this
Bill.

J. A. BOWLAND
Governor

Government House
Nashua, 15th May 1951

BY AUTHORITY
G. W. BOWLAND, SECRETARY

JURY (AMENDMENT) BILL, 1981

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Jury Act, 1977—

- (a) to permit a general jury precept to be amended by the alteration of the time or place at which the attendance of jurors is required (as well as the number of jurors required to be summoned) (Schedule 1 (1));
- (b) to provide that where the sheriff notifies a person of an alteration in the time or place at which the person was summoned to attend for jury service, the person shall be deemed not to fail to attend for jury service if he attends in accordance with the sheriff's directions (Schedule 1 (4));
- (c) to allow any person who is authorised to exercise the powers of a court (not only a judge of the court) to excuse a person from attending for jury service (Schedule 1 (3));
- (e) to allow the sheriff to take proceedings in a Court of Petty Sessions against a person who has failed to attend for jury service at a court or jury pool and who has failed to show cause for his absence or to pay the prescribed penalty if a judge of the court or a judge of any court in which trials to which that jury pool relates are held does not elect to deal with the person himself and approves of the sheriff taking those proceedings (Schedule 1 (6) and (7)); and
- (f) to make other provisions of a consequential or ancillary nature.

THE JOURNAL OF THE

ROYAL SOCIETY

(This statement is not subject to the provisions of the Act)

of the Royal Society, 1862-1863.

The Royal Society, in pursuance of the Statute in that behalf made, has the honor to inform you that the names of the members of the Society for the year 1862-1863 are as follows, and that the names of the members who have died since the last meeting are also given.

The names of the members who have been elected since the last meeting are given in the margin of the list, and the names of the members who have died since the last meeting are given in the margin of the list.

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1981
Act No. 1981
JURY (AMENDMENT) BILL, 1981

Bill introduced by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 2 Short title.
1. This Act may be cited as the Jury (Amendment) Act 1981.
2. The Jury Act 1977 is amended in the manner set forth in Schedule 1.

3. A record made under section 11 of the Jury Act 1977 as in force before the commencement of this Act shall be deemed to be a record made under section 11 of this Act as amended by this Act.

A BILL FOR

An Act to amend the Jury Act, 1977, with respect to the amendment of general jury precepts and the imposition of penalties upon persons who fail to attend for jury service, and in other respects.

[MR WALKER—25 February, 1981.]

Jury (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 Short title.

1. This Act may be cited as the "Jury (Amendment) Act, 1981".

Amendment of Act No. 18, 1977.

2. The Jury Act, 1977, is amended in the manner set forth 10 in Schedule 1.

Savings.

3. A record made under section 64 (1) of the Jury Act, 1977, as in force before the commencement of this Act, shall be deemed to be a record made under section 64 (1) of that Act, as sub- 15 stituted by this Act.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE JURY ACT, 1977.

(1) Section 24 (2)—

20 Omit the subsection, insert instead :—

(2) The authorised officer who issued a general jury precept may require the sheriff, by notice in writing or in any other manner approved by the sheriff—

25 (a) to summon a different number of jurors from that specified in the precept; or

(b) to summon jurors to attend at a different time or place from that specified in the precept.

Jury (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE JURY ACT, 1977—*continued.*

(2) Section 28 (1)—

5 Omit “specified in a general jury precept at which jurors are required to attend”, insert instead “at which the attendance of jurors is required for the purposes of a general jury precept”.

(3) (a) Section 38 (1) (b)—

Omit “the presiding judge of”.

10

(b) Section 38 (1) (b)—

Omit “judge presiding at a”.

(c) Section 38 (5)—

Omit “judge”, insert instead “court”.

(4) Section 60 (2)—

15

At the end of section 60, insert :—

20

(2) Where the sheriff notifies a person of an alteration in the time or place at which the person is required by a summons to attend for jury service, the person does not fail to attend for jury service for the purposes of this Part if he attends at the altered time or place as so notified to him.

Jury (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE JURY ACT, 1977—*continued.*

(5) Section 64 (1)—

Omit the subsection, insert instead :—

5 (1) Where a person fails to attend for jury service at a court, coronial inquest or jury pool, a record of that fact shall be made—

10 (a) in the case of a person summoned pursuant to a general jury precept, on the panel annexed to the precept; or

(b) in the case of a person summoned pursuant to a jury pool precept, on the list referred to in section 32 (1),

15 by order of the court, of the coroner holding the inquest or of any court in which trials to which the jury pool relates are held, as the case may be.

(6) (a) Section 65 (1), (2)—

Omit the subsections, insert instead :—

20 (1) Where a person declines to be dealt with under section 64 in respect of a failure to attend for jury service at a court or jury pool, the sheriff shall refer the matter to any judge of that court or to a judge of any court in which trials to which the jury pool relates are held, as the case may be.

25 (2) A judge to whom a matter concerning a person who declines to be dealt with under section 64 is referred under subsection (1) may—

(a) approve of the sheriff taking proceedings in respect of the matter under section 66; or

Jury (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE JURY ACT, 1977—*continued.*

5 (b) at a sitting of the court or in chambers, summarily impose on the person the penalty prescribed under section 63 for his failure to attend for jury service unless he is satisfied that the person had reasonable cause for that failure.

(b) Section 65 (3)—

10 Omit “subsection (2)”, insert instead “subsection (2) (b)”.

(7) Section 66 (1), (1A), (2)—

Omit section 66 (1) and (2), insert instead :—

15 (1) Subject to subsection (1A), where a person declines to be dealt with under section 64 in respect of a failure to attend for jury service, proceedings for a contravention of section 63 may be taken by the sheriff against the person in a summary manner before a court of petty sessions constituted by a stipendiary magistrate sitting alone and situated in the jury district within which the person
20 was required to attend for jury service.

(1A) The sheriff shall not take proceedings under subsection (1) in respect of a failure to attend for jury service at a court or jury pool unless a judge has, pursuant to
25 section 65 (2), approved of those proceedings being taken by the sheriff.

(2) In any proceedings under subsection (1), a certificate under the hand of the sheriff stating that—

30 (a) a specified person is recorded as having failed to attend for jury service;

(b) a specified person has declined to be dealt with under section 64; or

