

**JURY (AMENDMENT) ACT, 1981, No. 34**

**New South Wales**



ANNO TRICESIMO

**ELIZABETHÆ II REGINÆ**

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**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.]

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*Jury (Amendment).*


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**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.

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 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.

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*Jury (Amendment).*

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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.

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*Jury (Amendment).*

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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

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*Jury (Amendment).*

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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).*

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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.

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