

# Jury Regulation 1999

[1999-457]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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# Jury Regulation 1999



New South Wales

## 1 Name of Regulation

This Regulation is the *Jury Regulation 1999*.

## 2 Commencement

This Regulation commences on 1 September 1999.

## 3 Interpretation

(1) In this Regulation:

**the Act** means the *Jury Act 1977*.

(2) The explanatory note and table of contents do not form part of this Regulation.

## 4 Jury districts

(1) In determining the electoral districts and parts of electoral districts that are to comprise the jury districts constituted under section 9 (2) of the Act, the sheriff must ensure that:

(a) the address of each person whose name appears on an electoral roll is included in one, but not more than one, jury district, and

(b) there will, in the sheriff's opinion, be a sufficient number of persons eligible to be called for jury service in each jury district.

(2) The sheriff must cause records to be prepared (which may be kept in computerised form) for each jury district.

(3) The records must contain sufficient details to indicate whether or not a particular address is within a particular jury district.

(4) The sheriff must ensure that any person who wishes to view the records for a jury district is given facilities to do so, free of charge, during ordinary business hours.

## **5 Alternate procedure where sheriff interested in case**

The person holding the office of Director-General of the Attorney General's Department is prescribed for the purposes of section 24 (1) of the Act.

## **6 Summons for jury service**

For the purposes of section 26 (1) of the Act, the prescribed form is Form 1 as set out in Schedule 1.

## **7 Payment for jury service**

- (1) For the purposes of section 72 (1A) of the Act, the prescribed rate at which a person in attendance for jury service at a court or coronial inquest is entitled to be paid for attendance on any day is the sum of the attendance fee (if applicable), the travelling allowance and the refreshment allowance (if applicable) calculated in respect of that day in accordance with Scales A, B and C, respectively, in Schedule 2.
- (2) A person's claim for an attendance fee set out in Scale A in Schedule 2 is to be accompanied by a statutory declaration verifying:
  - (a) if the person was an employee at the time the person was in attendance for jury service— that he or she was not paid a full wage or salary by his or her employer while attending for jury service, or
  - (b) that the person was not employed at the time the person was in attendance for jury service.

## **8 Short descriptions**

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of the Table to this clause is:
  - (a) the expression specified opposite that provision in Column 2 of the Table, or
  - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of the Table to this clause, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.

- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

**Table**

<b>Column 1</b>	<b>Column 2</b>
section 61 (1)	fail to return questionnaire
section 61 (2)	return incomplete questionnaire
section 61 (3)	give false information in questionnaire
section 63	fail to attend for jury service

**9 Repeal**

- (1) The *Jury Regulation 1993* is repealed.
- (2) Any act, matter or thing that, immediately before the commencement of this Regulation, had effect under the *Jury Regulation 1993* is taken to have effect under this Regulation.

**Schedule 1 Form 1**

(Clause 6)

**Jury Summons**

*Jury Act 1977* (section 26 (1))

You are required to appear as a juror in the ..... Court at the Court House at ..... on the ..... day of ....., at ..... and you are to attend there from day to day until no longer required.

.....Sheriff

**Schedule 2 Scales of daily fees and allowances payable in respect of jurors**

(Clause 7)

**Scale A Attendance fee**

<b>Day of attendance</b>	<b>Fee per day (\$)</b>
1st:	
(a) if a person attends for less than 4 hours on that day but is not selected for jury service	Nil

(b) if a person attends for less than 4 hours on that day and is selected for jury service	36.90
(c) if a person attends for more than 4 hours on that day (whether or not the person is selected for jury service)	73.90
2nd-5th	73.90
6th-10th	85.90
11th and subsequent days	100.30

If a person attending for jury service is paid his or her full wage or salary on a day of attendance by his or her employer (not being an amount that is the difference between the person's full wage or salary and the attendance fee) Nil

(See clause 7 (2) regarding the requirement of submitting a completed statutory declaration if a juror claims an attendance fee.)

### **Scale B Travelling allowance**

On each day of attendance, for one journey each way between the place of residence of a person attending for jury service, as shown on the jury roll, and the court or inquest attended, the person is entitled to be paid at the rate of 23.9 cents per kilometre with:

- (a) a minimum payment of \$3.35 each way (being a minimum payment for 14 kilometres each way), and
- (b) a maximum payment of \$23.90 each way (being a maximum payment for 100 kilometres each way),

whether or not public transport is used.

### **Scale C Refreshment allowance**

If a juror in either a civil or criminal matter is released by the trial judge during a luncheon adjournment, the juror is entitled to be paid a refreshment allowance of \$5.40.