



**CHIEF HIGH COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA O TE KŌTI MATUA O AOTEAROA
Justice Susan Thomas**

**ACTING CHIEF DISTRICT COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA WHAKAKAPI O TE KŌTI-Ā-ROHE O AOTEAROA
Judge John Walker**

JURY TRIAL GUIDELINES

1. The following guidelines will be used for the conduct of jury trials in the High Court and the District Court with effect from Tuesday 13 September 2022.
2. These guidelines apply subject to any directions given by the presiding judge in a particular case. The presiding judge may direct that requirements set out in these guidelines do not apply in a particular case if the judge is satisfied that it is in the interests of justice to do so.

Arrival at Court

3. Summoned jurors may be directed to attend a different location from other court attendees.
4. Summoned jurors selected as members of the jury panel will be provided with KN95 masks.¹ Advice and demonstrations on how to correctly fit KN95 masks will be provided by Ministry of Justice staff.

Jury Empanelling

5. The empanelling process will be carried out in accordance with the Jury Rules 1990 and the additional provisions adopted under cl 4 of schedule 2 to that Act. This will include remote pre-balloting of jurors in some cases, and may include use of alternative premises and/or additional courtrooms and spaces in court buildings to safely accommodate the jury panel during the empanelling process.
6. Summoned jurors will be kept together for the minimum time possible.

Jury Courtroom

7. Where practicable, perspex screens may be installed in appropriate locations including:
 - (a) the dock;
 - (b) the witness box;

¹ All references to KN95 masks include references to masks of an equivalent standard such as P2 masks.

- (c) between the Judge's bench and the registrar; and
- (d) in front of the benches used by the registrar and counsel.

Masks

- 8. All individuals present in a jury trial courtroom may wear a KN95 mask or a surgical mask. They are encouraged to do so when moving around the courtroom. Masks will be provided if required.
- 9. The presiding judge may direct that all individuals present in the courtroom, or specified individuals present in the courtroom, must wear a KN95 mask or a surgical mask.
- 10. Unless the presiding Judge directs otherwise, masks may be removed when speaking, including when witnesses are giving evidence and when counsel are questioning witnesses or presenting oral submissions.

Rapid Antigen Testing (RAT)

- 11. On the first day of a trial that is expected to last more than a week, members of the jury will (unless the presiding judge directs otherwise) be required to take a RAT immediately following empanelment. The remainder of the jury panel will not be released until all empanelled jurors (and any replacement jurors) have tested negative.
- 12. The presiding judge may direct that court participants² involved in a jury trial are required to take a RAT on the first and/or on any subsequent days of the trial, if the judge is satisfied that it is reasonably necessary to do so in the interests of justice and to protect health and safety in the courts.
- 13. A court participant who has any symptoms of COVID-19, however minor, is required to take a RAT before attending court and report the result of that RAT to the court registry. If the test is positive, the court participant must not attend court (see [16] below). If the test is negative, the registry will advise the court participant whether they are permitted to attend court.

Distancing in the courtroom

- 14. Every person in the courtroom must comply with any distancing requirements imposed by the presiding judge.

Providing up-to-date information about COVID-19 status to the Court

- 15. All court participants and other persons attending the trial must promptly advise the court registry if:

² Court participants include parties, jurors, counsel, court staff, witnesses, interpreters, communication assistants, media representatives and any other person who the presiding judge directs should be treated as a participant in the hearing.

- (a) They test positive for COVID-19;
- (b) They become aware that they are a household contact of a confirmed COVID-19 case;
- (c) They have symptoms of COVID-19, however minor.

Positive Tests and Household Contacts

16. If a juror or other court participant receives a positive COVID-19 test result, they must not attend court (and if present at court, must promptly leave). Whether and how the trial may be able to continue will be a matter for the presiding Judge to determine on a case-by-case basis.
17. If a juror or other court participant is a household contact³ of a person with COVID-19, the presiding judge will determine whether they may continue to participate in the hearing. The judge may permit them to do so subject to appropriate safeguards, such as taking a RAT on a daily basis before attending court and/or wearing a mask in the courtroom. Whether and how the trial may be able to continue will be a matter for the presiding Judge to determine on a case-by-case basis.

Dated 12 September 2022

Hon Justice Susan Thomas
Chief High Court Judge

Judge John Walker
Acting Chief District Court Judge

³ For guidance on who is a household contact see [Household Contacts | Unite against COVID-19 \(covid19.govt.nz\)](https://www.covid19.govt.nz/household-contacts/).