



REPUBLIC OF NAURU

CRIMINAL PROCEDURE (AMENDMENT) No. 2 ACT 2018

No. 40 of 2018

An Act to amend the Criminal Procedure Act 1972

Certified: 18th December 2018

Table of Contents

1	Short title.....	2
2	Commencement.....	2
3	Amendment of Criminal Procedure Act 1972	2
4	Amendment of section 7	2
5	Amendment of section 9	2
6	Repeal of section 118.....	2
7	Insert new section 118A.....	2
8	Repeal of section 119.....	3
9	Consequential amendment to the Crimes Act 2016.....	3

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Criminal Procedure (Amendment) No.2 Act 2018*.

2 Commencement

This Act commences on certification by the Speaker.

3 Amendment of Criminal Procedure Act 1972

The Criminal Procedure Act 1972 is amended by the provisions of this Act.

4 Amendment of section 7

Section 7 is repealed and replaced as follows:

‘7 Sentences which the District Court may pass

The District Court may pass any sentence and make any order authorised by law for which provision is made in the Crimes Act 2016 or in any other written law except for:

(a) a sentence of:

- (i) death;
- (ii) a term of imprisonment exceeding 5 years in respect of any one offence; and
- (iii) a fine in an amount exceeding \$50,000 in respect of any one offence; and

(b) any written law which expressly provides that the District Court has no jurisdiction or the Supreme Court has the original jurisdiction over the criminal cause or matter.’

5 Amendment of section 9

Section 9(3) is repealed and replaced as follows:

‘(3) The maximum aggregate sentences of imprisonment and fine which may be imposed by the District Court on any one person at one trial are:

- (a) imprisonment for 10 years; and
- (b) fines totalling \$75,000.’

6 Repeal of section 118

Section 118 is hereby repealed.

7 Insert new section 118A

'118A No costs to be awarded

- (1) For the avoidance of doubt and despite any other written law, the Court shall have no jurisdiction to make an order for costs in its original or appellate jurisdiction in any criminal cause or matter for or against both the accused persons and the Prosecution.
- (2) Where there is an inconsistency between this provision and any other written law, this provision shall prevail.

8 Repeal of section 119

Section 119 is hereby repealed.

9 Consequential amendment to the Crimes Act 2016

Section 274(2)(a) of the Crimes Act 2016 is amended by deleting '\$3000' and substituting with '\$5,000;'