



REPUBLIC OF NAURU

CRIMINAL PROCEDURE (AMENDMENT) ACT 2021

No. 10 of 2021

An Act to amend the *Criminal Procedure Act 1972*.

Certified: 1st June 2021

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Criminal Procedure (Amendment) Act 2021*.

2 Commencement

This Act commences on certification by the Speaker.

3 Amendment of the Criminal Procedure Act 1972

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

4 Amendment of Section 158

Section 158 is amended as follows:

- (a) by deleting '191(except subsection (1))'; and
- (b) inserting '191A,' immediately after '190,'.

5 Insert Section 191A

A new Section 191A is inserted as follows:

191A Amendment of information, adjournment of trial and separate trial

- (1) The prosecution may apply to the Court to amend an information at any time before the close of the prosecution's case.
- (2) An application under subsection (1), may be made orally or in writing and stating the particulars of the proposed amendment.
- (3) In considering an application under subsection (1), the Court may:
 - (a) grant the application;
 - (b) dismiss the application;
 - (c) after granting the application, adjourn the proceedings for such time as it deems appropriate

for the accused person to prepare his or her defence;
or

(d) make such other orders as the Court deems necessary.

(4) Where the Court orders for an information to be amended:

(a) the amended information shall be read to the accused person; and

(b) the accused person shall plead to the amended information.

(5) Where the Court grants the amendment, the accused person or his or her legal representative may apply to the Court for an adjournment to allow the accused person to prepare his or her defence.

(6) Where the original or amended information contains more than one count, on an application by the prosecution or accused person, the Court may order that any count be tried separately if the Court deems that:

(a) an accused person may be prejudiced because he or she is charged with more than one count in such information; or

(b) a trial with another accused person will prejudice the fair trial of the accused person.

(7) Where an order for a separate trial is made under subsection (6), the procedure shall be the same as if the count had been set out in a separate information.