



REPUBLIC OF NAURU

SUPREME COURT (AMENDMENT) ACT 2022

No. 17 of 2022

An Act to amend the *Supreme Court Act 2018*.

Certified: [8th June 2022]

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Supreme Court (Amendment) Act 2022*.

2 Commencement

This Act commences on 10 June 2022.

3 Amendment of the Supreme Court Act 2018

The *Supreme Court Act 2018* is amended by the provisions of this Act.

4 Amendment of Section 9

Section 9 is amended by deleting '5' and substituting with '10'.

5 Amendment of Section 13

Section 13 is amended:

(a) in subsection (1), by inserting the words '*Secretary and*' before '*administrative head*'; and

(b) by inserting a new subsection (5) as follows:

'(5) For the purposes of subsection (1), 'Secretary' has the meaning given to it in the Public Service Act 2016.'

6 Amendment of Section 17

Section 17 is amended:

(a) in paragraph (j) by deleting the word '*and*' at the end of the provision;

(b) in paragraph (k) by deleting the fullstop and substituting with a semicolon at the end of the provision; and

(c) by inserting new paragraphs (l) and (m) as follows:

'(l) supervisory jurisdiction; and

'(m) revisional jurisdiction in any cause or matter under the Constitution, this Act or any other written law.'

7 Amendment of Section 24

Section 24 is deleted and substituted as follows:

'24 Power to award costs

(1) Subject to subsection (2), the Supreme Court has the jurisdiction and the power to award such costs in a cause or matter as it deems fit.

(2) No costs shall be awarded by the Supreme Court in any criminal cause or matter against any party including the Republic, Director of Public Prosecutions and the Office of the Public Legal Defender.'

8 Amendment of Section 29

Section 29(4) is amended by inserting '*effect*' after '*interpretation*'.

9 Amendment of Section 31

Section 31 is amended by:

- (a) renumbering the current provision as subsection (1); and
- (b) inserting new subsections (2) and (3) as follows:

'(2) For the avoidance of doubt, this Part shall not apply to an application by the Republic or Director of Public Prosecutions under Article 5(3) of the Constitution in the District Court or Supreme Court seeking an order for a person arrested or detained to be further held in custody beyond 24 hours from the time of such arrest or detention.

(3) An application under subsection (2) shall be made by a notice of motion and affidavit or such procedure as may be prescribed.'

10 Amendment of Section 32

Section 32 is amended by inserting a new subsection (4) as follows:

'(4) The general powers of the Supreme Court given under this Part are subject to the provisions of the Succession, Probate and Administration Act 1976 and the Nauru Lands Committee Act 1956, which make specific provisions for the determination and distribution of real or personal estate of a deceased person.'

11 Amendment of Section 40

Section 40 is amended by:

- (a) renumbering the current provision as subsection (1); and
- (b) inserting new subsections (2) and (3) as follows:

'(2) A person who seeks leave to appeal a judgment, decision or order of the District Court under this Part, shall file and serve an application for such leave within 21 days of the delivery of the judgment, decision or order.

(3) This Section applies to an appeal by the Director of Public Prosecutions.'

12 Amendment of Section 47

Section 47 is amended:

(a) by deleting and substituting subsection (1) as follows:

'(1) The time for the filing of an appeal or application for leave to appeal by a person or the Director of Public Prosecutions may be extended by the Supreme Court.'; and

(b) in subsection (2), by:

(i) deleting and substituting paragraph (a) as follows:

'(a) where the intended appellant is able to demonstrate the prospect of the success of the intended appeal;'

(ii) renumbering the current paragraph (b) as paragraph (c); and

(iii) inserting a new paragraph (b) as follows:

'(b) where the intended appellant is able to explain the nature, length and reasons for delay;'

(iv) renumbering the current paragraph (c) as paragraph (d) and deleting the fullstop and substituting with '; or'; and

(v) inserting a new paragraph (e) as follows:

'(e) for any other matter which the intended appellant deems necessary for the Court to exercise its discretion.'

13 Amendment of Section 49

Section 49(1) is amended by deleting the number '14' and substituting with '21'.