



I HEREBY CERTIFY that the attached document is a fair print of an Act entitled the Courts (Amendment) Act, 1974 that has been made by Parliament and is now presented to the Speaker for his Certificate under Article 47 of the Constitution.

  
Clerk of Parliament  
24/7/1974

Pursuant to Article 35 (3) and 47 of the Constitution, I, KENAS AROI, Speaker of Parliament, HEREBY CERTIFY that the Courts (Amendment) Act, 1974 a copy of which is attached has been passed by Parliament.

  
Speaker  
24/7/1974

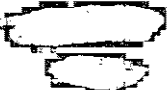
REPUBLIC OF NAURU  
COURTS (AMENDMENT) ACT 1974

ARRANGEMENT OF SECTIONS

Section:

1. Short title
2. Interpretation
3. Amendment of section 2 of the principal Act
4. Amendment of section 9 of the principal Act
5. Amendment of section 10 of the principal Act
6. Amendment of section 72 of the principal Act
7. Appointments made before the commencement of this Act.

REPUBLIC OF NAURU  
(No. 7 of 1974)

  
AN ACT

To amend the Courts Act 1972

(Certified : 24/7/1974 )

Enacted by the Parliament of Nauru as follows :

SHORT TITLE

1. This Act may be cited as the Courts (Amendment) Act 1974.

INTERPRETATION

2. In this Act "the principal Act" means the Courts Act 1972.

AMENDMENT OF SECTION 2 OF THE PRINCIPAL ACT

3. Section 2 of the principal Act is amended -  
(a) by deleting the words "to be a magistrate of the District Court" in the definition of "magistrate" and by inserting in lieu thereof the words "to be the resident magistrate or a lay magistrate or to act as the resident magistrate"; and  
(b) by deleting the word and number "section 10" in the definition of "resident magistrate" and by inserting in lieu thereof the word and number "section 9".

AMENDMENT OF SECTION 9 OF THE PRINCIPAL ACT

4. Section 9 of the principal Act is amended by adding thereto the following new subsection (5) -

"(5) If the office of resident magistrate is vacant or the resident magistrate is unable, by reason of illness, absence from Nauru or other cause to perform all or any of his duties, the President may appoint another person to act as the resident magistrate; such appointment may be either for a specified period or for the hearing and determination of a specified cause or matter and for the purpose of performing the duties of the office a person appointed to act as the resident magistrate

shall be a magistrate of the District Court."

AMENDMENT OF SECTION 10 OF THE PRINCIPAL ACT

5. Section 10 of the principal Act is amended by -
- (a) deleting subsection (2);
  - (b) in subsection (4) deleting the words "under the provisions of this section" and inserting in lieu thereof the words and figures "under the provisions of subsection (5) of section 9"; and
  - (c) deleting the headnote and inserting in lieu thereof the following new headnote "QUALIFICATIONS FOR APPOINTMENT AS MAGISTRATE, ETC."

AMENDMENT OF SECTION 72 OF THE PRINCIPAL ACT

6. Section 72 of the principal Act is amended by adding at the end of subsection (1) the following words and punctuation -
- "Every person appointed, upon his own application, to be a Commissioner for Oaths under this subsection shall on appointment pay to the Republic such fee as the Minister may from time to time prescribe."

APPOINTMENTS MADE BEFORE THE COMMENCEMENT OF THIS ACT

7. (1) Every person appointed under the provisions of the principal Act before the commencement of this Act to be or to act as the resident magistrate shall for all purposes be deemed to have had at all times during the term of that appointment all the powers conferred by the principal Act and other written laws on the resident magistrate or on a magistrate.
- (2) An appointment of any person to act as the resident magistrate made under subsection (2) of section 10 of the principal Act before the commencement of this Act shall not lapse or be terminated only by reason of the repeal of that subsection by section 5 of this Act, but after the commencement of this Act, for so long as the appointment continues, it shall be deemed to be an appointment made under subsection (5) of section 9 of the principal Act as amended by this Act.