

I HEREBY CERTIFY that the attached document is a fair print of an Act entitled the Appeals (Amendment) Act, 1976 that has been made by Parliament and is now presented to the Deputy Speaker for his Certificate under Article 47 of the Constitution.

C. Simod

A/Clerk of Parliament
23rd September, 1976.

Pursuant to Article 35 (3) and 47 of the Constitution, I, DAVID GADARAOA, Deputy Speaker of Parliament, HEREBY CERTIFY that the Appeals (Amendment) Act, 1976 a copy of which is attached has been passed by Parliament.

David Gadaraoa

Deputy Speaker
23rd September, 1976.

REPUBLIC OF NAURU

APPEALS (AMENDMENT) ~~ACT~~ 1976

ARRANGEMENT OF ~~SECTIONS~~

~~SECTION~~

1. Short title and commencement
2. The principal Act
3. Amendment of section 42 of the principal Act
4. Addition of a new section 42A to the principal Act
5. Addition of a new section 45A to the principal Act
6. Amendment of section 46 of the principal Act
7. Repeal and replacement of section 52 of the principal Act

REPUBLIC OF NAURU
(No. 12 of 1976)

AN ACT

To amend the Appeals Act 1972.

(Certified : 23rd September, 1976)

Enacted by the Parliament of Nauru as follows

SHORT TITLE AND COMMENCEMENT

1. This Act may be cited as the Appeals (Amendment) Act 1976 and shall come into force on the same date as the Appeals (Amendment) Act 1974.

THE PRINCIPAL ACT

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

AMENDMENT OF SECTION 42 OF THE PRINCIPAL ACT

3. Section 42 of the principal Act is amended -
(a) by deleting from subsection (1) thereof the punctuation and words ", or an applicant for leave to appeal" and the words "or application" in both places in which those words occur; and
(b) by deleting from subsection (2) thereof the words "or an applicant for leave to appeal" and the words "or application".

ADDITION OF A NEW SECTION 42A TO THE PRINCIPAL ACT

4. The following new section 42A is added to the principal Act immediately following section 42 -

"APPLICATION FOR LEAVE TO APPEAL

42A. An applicant for leave to appeal under this Part shall present his case and his argument to the High Court in writing or by counsel."

ADDITION OF A NEW SECTION 45A TO THE PRINCIPAL ACT

5. The following new section 45A is added to the principal Act immediately following section 45 -

"APPLICATION TO THE HIGH COURT FOR LEAVE TO APPEAL

45A. An applicant to the High Court for leave to appeal under this Part shall present his case and his argument to

the High Court either in writing or by counsel."

AMENDMENT OF SECTION 46 OF THE PRINCIPAL ACT

6. Section 46 of the principal Act is amended by adding thereto immediately after the words "first instance" the following punctuation and words ", or remit the case, together with its judgment or order thereon, to the Court of first instance for determination by way of trial de novo or rehearing, with such directions as the High Court may think necessary".

REPEAL AND REPLACEMENT OF SECTION 52 OF THE PRINCIPAL ACT

7. Section 52 of the principal Act is repealed and replaced by the following new section 52 -

"HIGH COURT RULES TO GOVERN PROCEDURAL MATTERS

52. Save as provided by section 53, procedural matters relating to appeals from the Supreme Court to the High Court shall be governed by Rules of Court relating thereto made under section 86 of the Judiciary Act 1903-1976 of the Commonwealth of Australia."