



REPUBLIC OF NAURU

# CRIMINAL PROCEDURE (AMENDMENT) BILL 2018

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No. of 2018

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A Bill for an Act to amend the *Criminal Procedure Act 1972*

Certified:

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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 2018*.

**2 Commencement**

This Act commences upon 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 50C**

Section 50C (1)(c) is omitted and substituted with the following:

‘(c) where the Nauru Court of Appeal, Supreme Court or District Court request or is required under a written law to assign a legal representative to represent a person in a court proceeding where such person does not have sufficient means to retain the services of a legal representative.’

**5 Insert new section 50D**

**50D Assignment of legal representative**

For the purposes of section 50C (1)(c):

- (a) the Director of the Office of the Public Legal Defender in so far as practicable shall provide legal representation; and
- (b) subject to section 50E, where the Director of the Office of the Public Legal Defender is unable to provide legal representation or has a conflict of interest, he or she shall engage a legal representative duly admitted to practice law in the Republic to do so where the interest of justice so require.

**6 Insert new Section 50E**

**50E Director of the Office of the Public Legal Defender is unable to provide legal representation**

- (1) Where the Director of the Office of the Public Legal Defender is required to engage a legal representative under section 50D(b), he or she shall pay the following professional fees:

- (a) appearances for call overs or mentions at the rate of \$50 for each such appearance; and
  - (b) appearances for trial at a rate not exceeding \$300 per day.
- (2) The maximum legal fee and disbursements to be charged for each case inclusive of mentions, call overs and trial shall not exceed \$3,000.
  - (3) Where the Director of the Office of the Public Legal Defender is required to engage a legal representative under this section for the purposes of an appeal either in the Supreme Court or Nauru Court of Appeal, the legal fees and disbursements for such appeal shall not exceed \$3,000.
  - (4) The legal fees and disbursements prescribed by this section shall apply to an assignment of legal representative by the Court or any other authority under a written law or inherent jurisdiction, where the Republic may be required to pay the legal fees and disbursements.

**7 Saving**

This Amendment shall not affect any judgment, decision or order of any court or any decision of the Director of the Office of the Public Legal Defender in respect of any assignment or engagement of a legal representative under a written law made prior to the certification of this Amendment to the Act.