



REPUBLIC OF NAURU

**Interpretation (Amendment) Bill 2012**

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**Serial No. 24 of 2012**

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# Interpretation (Amendment) Bill 2012

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Serial No. 24 of 2012

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A Bill for:

An Act to amend the *Interpretation Act 2011*

*Certified on [ ]*

Enacted by the Parliament of Nauru as follows:

**1 Short title**

This Act may be cited as the *Interpretation (Amendment) Act 2012*.

**2 Commencement**

This Act commences on certification.

**3 Act amended**

The Schedule amends the *Interpretation Act 2011*.

**SCHEDULE — AMENDMENT OF INTERPRETATION  
ACT 2011**

**[1] Amendment of section 18 (Procedure for making rules and by-laws)**

Section 18(1)

*omit, substitute*

- (1) This section applies if an Act contains a power for a person to make rules or by-laws except if:
- (a) the rules are court rules; or
  - (b) the rules or by-laws are made by the Cabinet, the President or a Minister.

**[2] Repeal of section 31**

Section 31

*omit*

**[3] Substitution of section 39**

Section 39

*omit, substitute*

**39 Continuity of reference to law**

- (1) A reference in a written law to another written law is a reference to the other law as in force from time to time.
- (2) If a written law is substituted for an earlier written law, a reference in any other written law to the earlier law is taken to be a reference to the substituted law.

**39A When a written law substituted for another**

A later written law is substituted for an earlier written law if:

- (a) the earlier law is repealed or superseded; and

- (b) the later law deals with the same subject matter as the law that has been repealed or superseded (whether it deals with the matter in the same way or differently, and whether it deals only with that matter or with other matters also).

**[4] Insertion of sections 49A and 49B**

After section 49

*insert*

**49A Action lies for breach of statutory duty unless otherwise provided**

- (1) If an Act imposes or authorises the imposition of a duty then, unless express provision to the contrary is made, a person who sustains loss, damage or injury as a result of a breach of the duty may bring an action under the common law for breach of statutory duty.
- (2) Subsection (1) applies:
  - (a) whether the duty is positive or negative; and
  - (b) whether or not the Act provides a special remedy for its enforcement.

**49B Saving of rights of the Republic**

A written law does not affect the rights of the Republic unless it is expressly provided, or unless it appears by necessary implication, that the law binds the Republic.

**[5] Amendment of section 65 (Definitions applicable to all written laws)**

Section 65, after the definition of 'public holiday'

*insert*

**'public office', 'public officer' and 'public service'**, see Article 81(1);