

REPUBLIC OF NAURU

LIMITATION BILL 2017

SECOND READING SPEECH

Honourable David Adeang, M.P.

23 November 2017

Mr. Speaker Sir,

I have the responsibility of introducing to the House a Bill for an Act to provide for time limits for commencing civil proceedings, arbitrations and for related matters. The Proposed legislation is a hallmark of any developed legal system. The objects of the Bill sets out the significance of this legislation which states as follows:-

- provide limitation periods for various different causes and classes of claims;
- encourage claims are made without any undue delay;
- provide opportunity for persons against whom claims are made to defend a proceeding on the grounds of the claim being stale or statute barred;
- encourage resolution of disputes between parties in the earliest possible time to avoid greater complications caused due to late prosecution of civil claims;
- Resolve disputes when the evidence is still fresh and be preserved for trial.

The Republic does not have a domestic legislation. Under section 4 of the *Custom and Adopted Laws Act 1971*, the *Limitation Act 1963 of England* applies. I am informed that the 1963 Act has its own complications in the application of the limitation period specially those provisions relating to extension of time by the court to commence proceeding. The England the Act was repealed and replaced in *1980*.

Mr. Speaker, we have a judiciary and legal system in place and over the years our society is getting more litigious and resort to dispute resolution by the Courts. A statute limiting the time for making a claim is important to bring such disputes to an end as soon as possible. The prolonging of the dispute simply increases liability and perhaps more acrimony amongst family members. In the business community, financial disputes must be resolved with expedition and if a person intends to delay the process he or she may lose out on the claim. It is about time that Nauru develops its own law to deal with the Limitation of actions also taking into account the uniqueness and independence of our country and judiciary, rather than depending on precedents.

The proposed Bill establishes a new regime for time limitations for civil claims in the courts. It seeks to tidy up the civil limitation laws to make them clearer, more equitable, and more accessible.

The Bill in summary introduces 3 key measures that are needed:

- a 6-year limitation period for most claims;
- providing for exceptions or modifications to the general limitation period in cases of minors, persons with mental disability, and where there is fraud or mistake; and
- discretionary power of the court to extend limitation periods subject to certain situations.

The Bill is accompanied by an explanatory memorandum explaining the Bill in more detail.

Mr. Speaker, I commend the Bill to the House.