

REPUBLIC OF NAURU
CIVIL PROCEDURE ACT 1972

CIVIL PROCEDURE (AMENDMENT) RULES 1974

IN EXERCISE of the powers conferred on me by section 76 of the Civil Procedure Act 1972, I hereby make the following rules of court-

SHORT TITLE AND COMMENCEMENT

1. These rules may be cited as the Civil Procedure (Amendment) Rules 1974.

RULES OF COURT AMENDED

2. The Rules of Court set out in the Schedule to the Civil Procedure Rules 1972 are amended-

(a) by inserting into Order 36 thereof the rule 11A set out in the First Schedule to these Rules; and

(b) by adding to Appendix A thereof the Form No. CIV 52 set out in the Second Schedule to these Rules.

MADE this Thirteenth day of November, 1974

I. R. Thompson,
Chief Justice.

FIRST SCHEDULE

RULE 11A INSERTED INTO ORDER 36 OF THE RULES OF COURT

ATTACHMENT OF PHOSPHATE ROYALTIES

11A. (1) Where an order is made under Rule 1 for the issue of the process of the Court for the attachment of phosphate royalties, the decree holder shall draw up in Form No. CIV/52 set out in Appendix A an order of attachment and present it with three copies at the registry of the Court to be signed and sealed. The proper officer shall thereupon caused one sealed copy of the order to be served on the Secretary of the Council and shall return two sealed copies to the decree-holder. The decree-holder shall serve one of those copies on the judgment-debtor.

(2) The provisions of paragraphs (7), (8) and (9) of rule 11 of this Order shall apply, with necessary modifications, to moneys paid by the Council in compliance with an attachment order issued under the preceding paragraph.

SECOND SCHEDULE

FORM NO. CIV/52

CIVIL PROCEDURE ACT 1972

**RULES OF COURT
(O. 36, r. 11A)**

ORDER FOR ATTACHMENT OF PHOSPHATE ROYALTIES

(Heading as in suit)

To the Secretary, Nauru Local Government Council

IT IS ORDERED that all such moneys at present in the possession of the Council as part of the Nauruan Land Owners Cash Royalties Fund, and all such moneys coming into the possession of the Council as part of the said fund within a period of twelve months from the date of this order, as are payable to C.D. of as royalties are attached to answer a judgment recovered */order made in this Court against the said C.D. for \$..... and \$..... costs, that is to say that you are hereby prohibited, for so long as this order remains undischarged, from paying all or any part of the said moneys to the said C.D. or to any person on his behalf;

AND IT IS ORDERED that you do pay all the said moneys, or such part of them as may be sufficient to satisfy the said judgment */ order, whichever is the less, into the registry of this Court within ten days of the date of this order or, in respect of such of the said moneys as are received by the Council after the date of this order, within ten days of receiving those moneys.

Registrar*/Resident Magistrate.

* Delete whichever is not applicable.
