



**REPUBLIC OF NAURU
GOVERNMENT GAZETTE
PUBLISHED BY AUTHORITY**

No. 20

18th February, 2015

Nauru

G. N. No. 56 / 2015

CIVIL PROCEDURE ACT 1972
RULES FOR EMPANELMENT OF A FULL BENCH

In exercise of the powers conferred on me by section 76 (1) of the Civil Procedure Act 1972, I make the following rules –

1. (a) The Supreme Court shall normally be constituted by a single Judge but may, in its discretion, be empanelled as a full bench of three Judges in any of the following circumstances:-
 - (i) On a matter that is of constitutional importance;
 - (ii) On a matter that is of national significance or which relates to vital public policy;
 - (iii) On a matter which relates to an important point of law; and
 - (iv) On appeals from the District Court and the Family Court or a Case Stated for the Opinion of the Court which may fall within subsection (a) (i), (ii) or (iii).
- (b) In the event only two Judges are available, a full bench shall be comprised accordingly.
2. Parties in proceedings before the Court may by way of motion and affidavit seek the empanelling of a full bench before a single Judge.
3. An application for empanelment shall be made at the commencement of proceedings unless there are compelling reasons for doing otherwise.

Issued this 29th day of January 2015.

JONI MADRAWIWI
CHIEF JUSTICE

PRACTICE NOTE NO. 1 OF 2015
LAND APPEALS

**APPEALS TO THE SUPREME COURT AGAINST DETERMINATION OF THE NAURU
LANDS COMMITTEE**

In exercise of the powers conferred on me by section 76 (2) of the Civil Procedure Act 1972, I make the following rules –

1. An appeal from a determination of the Nauru Lands Committee (the “Committee”) is made under section 7 of the Nauru Lands Committee Act and shall be by Notice.
2. (a) Every Notice of Appeal (the “Notice”) to the Supreme Court shall be in writing and signed by the appellant or his/her solicitor/pleader.
(b) Where there are several appellants appearing jointly, by each of them or their solicitor or pleader.
3. The Notice shall set out the following:
 - (a) Name of the Appellant;
 - (b) Name of the Land, Portion No. and District;
 - (c) No. of Government Gazette in which the Committee’s determination is published;
 - (d) Grounds of Appeal.
4. A copy of the relevant gazette notice shall be filed with the Notice.
5. (a) The Notice shall be filed by the appellant in the Supreme Court Registry (the “Registry”) and endorsed with the date of receipt, assigned a case number, placed in a case file cover endorsed with the number and the details entered in the court register of land appeals.
(b) Those beneficiaries determined as the owners in the gazette notice shall be entered in the register and on the case file as respondents.
(c) If, either before the appeal is lodged or afterwards, another appeal is lodged in respect of the same land, every appellant in that initial appeal shall be added as respondent in the other appeal accordingly.
6. (a) The Registry within 7 days of the receipt of the Notice shall serve a written notice along with a copy of the Notice, on the Secretary of the Committee (or a member thereof) and every respondent, informing them of the appeal and the grounds of appeal.
(b) Service on the respondent(s) may, where applicable, be effected on elders as head or representatives of families in accordance with custom and practice.

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7. (a) The Secretary of the Committee, upon receipt of the written notice shall forward to the Registrar of the Supreme Court (the "Registrar") within 21 days thereafter a statement in the English language providing:
- (i) Each appellant's claim to the land, as presented to the Committee;
 - (ii) Each respondent's claim to the land, as presented to the Committee;
 - (iii) The Committee's determination of the matter;
 - (iv) English translations of relevant records relating to the determination; and
 - (v) Any other applicable documents.
- (b) The statement shall contain the details set out in subclause (a) (i), (ii) and (iii) dated and endorsed with the signature of the Chair or his/her representative.
8. A copy of the Committee's statement shall be provided by the Registrar to the appellant(s) and respondent(s) upon request and in accordance with custom and practice where applicable.
9. The Registrar shall then assign a date of hearing of the appeal.
10. (a) Where an appellant wishes to amend his/her grounds of appeal he/she shall file in the Registry not less than 7 days before the hearing of the Appeal, a notice setting out the amendment.
- (b) The amendment may alter, delete and/or add to the original grounds.
- (c) Upon the notice of amendment being filed, a copy shall be served by the said appellant on the respondent(s) in accordance with custom and practice where applicable or on the legal representative of the respondent(s), if any.
11. Practice Note No 1 of 1972 is repealed with effect from 11 December 2014.

Issued this 29th day of January 2015.

JONI MADRAWIWI
CHIEF JUSTICE
