



REPUBLIC OF NAURU

NAURU COURT OF APPEAL BILL 2018

No. of 2018

A Bill for an Act to establish the Nauru Court of Appeal and for related purposes

Certified: []

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Enacted by the Parliament of Nauru as follows:

PART 1 – PRELIMINARY

1 Short Title

This Act may be cited as the *Nauru Court of Appeal Act 2018*.

2 Commencement

This Act commences on 15 May 2018.

3 Definitions

In this Act:

‘cause or matter’ includes any appeal, action, suit or other original proceeding in any Court between the person originating the proceeding and one or more other parties as defendant or respondent, and includes any original criminal proceeding;

‘Constitution’ means the Constitution of the Republic of Nauru;

‘Court’ means the Nauru Court of Appeal established by Article 57 of the Constitution unless otherwise stated;

‘criminal proceedings’ includes proceedings under the Crimes Act 2016 and such other offences in any other written law;

‘District Court’ means the District Court formerly established under the Courts Act 1972 and which continues under the District Courts Act 2018;

‘Family Court’ means the Family Court established by the Family Court Act 1973;

‘judgment, decision or order’ includes decrees and not an opinion under Article 55 of the Constitution;

‘Justice of Appeal’ means a Justice of Appeal appointed under this Act;

‘legal representative’ means barrister and solicitor or a pleader duly admitted to practice law under the Legal Practitioners Act 1973 or any other written law;

‘Minister’ means the Minister for Justice and Border Control;

‘offence’ includes a criminal offence under the Crimes Act 2016 and other offences under any written law;

‘President’ means the President of the Republic of Nauru;

‘President of the Court of Appeal’ has the same meaning as provided in Article 57 (5) and (6) of the Constitution;

‘Registrar’ means the Registrar of the Courts;

‘session’ means the sitting of the Court for a specified period;

‘Supreme Court’ means the Supreme Court of Nauru established by Article 48 of the Constitution.

PART 2 – NAURU COURT OF APPEAL

4 The Court

(1) The final appellate court of the Republic shall be called the Nauru Court of Appeal.

(2) The Court is a court of record.

5 General jurisdiction of the Court

The Court shall have the power and jurisdiction to hear and determine all appeals which lie to the Court by virtue of the Constitution, this Act or any other written law.

6 Sessions of the Court

(1) Subject to subsection (2), the ordinary session of the Court shall be convened at least once a year and shall be notified in the Gazette by the Registrar by no later than 15th January of each year.

(2) The Court may sit in the Republic from time to time as the President of the Court of Appeal may deem necessary.

7 Seal

(1) The Court shall have a seal bearing the emblem of the Republic with the inscription *‘Nauru Court of Appeal’*.

(2) The Registrar shall have custody and control of the seal of the Court.

(3) The seal shall be used for sealing judgments, decisions, orders or certificates and for any other purposes where the Court may require a seal.

8 Composition of the Court

(1) The sitting of the Court shall be duly constituted if it consists of not less than 3 Justices of Appeal including the President of the Court of Appeal.

(2) Subject to subsection (1), the Court may be constituted if it consists of not less than 2 Justices of Appeal where the President of the Court of Appeal is of the opinion it is impractical to summon a Court of 3 Justices of Appeal.

(3) Where the President of the Court of Appeal is unable to sit in an appeal by virtue of Article 57(6) of the Constitution or for any other reason:

(a) the Senior Justice of Appeal shall preside in the sitting of the Court under subsection (1) or (2); and