



REPUBLIC OF NAURU

ELECTION PETITION RULES 2019

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In exercise of the powers conferred by section 107 of the *Electoral Act 2016*, the Chief Justice makes the following Rules:

PART 1 – PRELIMINARY

1 Citation

These Rules may be cited as the *Election Petition Rules 2019*.

2 Commencement

These Rules come into effect on the day they are notified in the Gazette.

3 Interpretation

(1) In these Rules:

‘Act’ means the *Electoral Act 2016*;

‘agent’ may include a legal practitioner in proceedings under these Rules;

‘Court’ means the Supreme Court sitting as the Court of Disputed Returns established under Part 8 of the Act;

‘date of presentation’ in relation to presentation of petition shall be the date and time endorsed by the seal of the Court on a petition;

‘election’ means a:

(a) general election;

(b) by-election; or

(c) supplementary election;

‘Electoral Commissioner’ means the person appointed under section 14 of the Act;

‘Judge’ means any Judge of the Court and includes the Chief Justice;

‘legal practitioner’ means a barrister and solicitor or pleader duly admitted to practice law and has a current practicing certificate;

‘petition’ means an election petition challenging the result of a return of election of a member of Parliament presented to the Court under the Act and these Rules;

‘petitioner’ means a person who presents a petition to the Court under the Act and these Rules;

‘Registrar’ means the Registrar of the Supreme Court who shall also be the Registrar of the Court of Disputed Returns;

'Registry' means the registry of the Supreme Court sitting as the Court of Disputed Returns;

'respondent' means a person against whom a petition is presented to the Court;

'Rules' means these *Election Petition Rules 2019*.

- (2) All documents to be presented, lodged or filed under these Rules shall be intituled as set out in Form 1 of the Schedule.
- (3) The presentation of a petition shall be by filing of the petition at the Registry of the Court.

PART 2 – CONTENTS AND FORM OF PETITION

4 Contents and form of petition

- (1) A petition shall be as set out in Form 2 of the Schedule.
- (2) A petition under subrule (1) shall:
 - (a) state whether the petitioner is a candidate or voter as required under section 93(1) of the Act;
 - (b) state the date and result of the election;
 - (c) state the name, address and occupation of each of the successful candidates as separate respondents;
 - (d) state the names, addresses and occupations of any other persons joined as respondents;
 - (e) state the names, addresses and occupations of the unsuccessful candidates, whether they are joined as a respondent or not;
 - (f) state the capacity in which each party is joined;
 - (g) state the grounds for the prayer for relief;
 - (h) provide a prayer for relief including where applicable, a declaration seeking:
 - (i) a candidate be duly returned or elected;
 - (ii) the election be void; or
 - (iii) a writ of election be returned;
 - (i) be signed by the petitioner or each of the petitioners where there is more than one petitioner; and
 - (j) be divided into paragraphs numbered consecutively and each allegation shall as far as convenient be contained in separate