

REPUBLIC OF NAURU

CRIMINAL PROCEDURE ACT 1972

CRIMINAL PROCEDURE (FORMS) RULES 1972

IN EXERCISE of the powers conferred on me by section 217 of the Criminal Procedure Act 1972, I hereby make the following Rules -

1. These Rules may be cited as the Criminal Procedure (Forms) Rules 1972.
2. The forms set out in the Schedule to these Rules shall be used in criminal proceedings before the Courts with such variation as the circumstances of each case require.

Made at Yaren this 27th day of November, 1972.

I. R. Thompson

Chief Justice

SCHEDULE

LIST OF FORMS IN THIS SCHEDULE

1. Complaint
2. Charge (private complaint)
3. Charge (complaint by public officer)
4. Summons to accused
5. Summons to accused
6. Warrant to arrest accused in the first instance
7. Notice to attend Court
8. Warrant to arrest accused where notice or summons is disobeyed
9. Bail recognizance
10. Summons to witness
11. Warrant to arrest a witness who has disobeyed a summons
12. Warrant of committal for safe custody after arrest
13. Warrant of committal for safe custody on adjournment of hearing
14. Warrant to arrest accused who has not attended after adjournment
15. Warrant of committal on a conviction where the sentence is imprisonment
16. Warrant of committal on conviction where the sentence in default of payment of a fine is imprisonment
17. Warrant of distress for a fine
18. Warrant of committal in default of distress for a fine
19. Recognizance for keeping the peace
20. Recognizance to appear and receive sentence
21. Warrant of committal for safe custody on committal for trial
22. Recognizance of bail on committal for trial
23. Information to obtain a search warrant (under section 75 of the Act)

24. Search warrant (under section 75 of the Act)

FORM NO. CRIM/1

CRIMINAL PROCEDURE ACT 1972

(Section 51)

COMPLAINT

In the District Court.

..... of makes complaint to the
undersigned magistrate that of did on the day of
..... 19... at in Nauru

(a)

Taken (or sworn) at the day of, 19..., before me.

Magistrate.

(a) State the facts alleged to
constitute the offence complained of

FORM NO. CRIM/2

CRIMINAL PROCEDURE ACT 1972

(Section 51)

CHARGE

(Private Complaint)

In the District Court.

Criminal Case No.

(a) of (b)
is charged on the complaint of with the following offence -

Statement of Offence (c)

Particulars of Offence (d)

Dated the day of, 19... .

Magistrate.

- (a) Full name
- (b) Full address and occupation
- (c) Offence with written law and section alleged to be contravened
- (d) Name or names of accused and brief particulars of offence in ordinary language

Note - This form is for use for charge on private complaint only.

FORM NO. CRIM/3

CRIMINAL PROCEDURE ACT 1972

(Section 51)

CHARGE

(Complaint by Public Officer)

In the District Court.

Criminal Case No.

Statement of Offence (a)

Particulars of Offence (b)

Sworn before me (c)

Dated the day of, 19... .

Magistrate.

- (a) Offence with written law and section alleged to be contravened
- (b) Name or names of accused and brief particulars of offence in ordinary language
- (c) Strike out if not made on oath
- (d) Signature of complainant with rank, if a police officer, or office.

Note - This form is for use for charge on complaint by a public officer only.

FORM NO. CRIM/4

CRIMINAL PROCEDURE ACT 1972

(Sections 52 and 54)

SUMMONS TO ACCUSED

In the District Court.

Criminal Case No.

To (a)..... of (b)

You are hereby commanded to attend at a.m.*/p.m. on theday of 19...., in the District Court at the Court House at Yaren there to answer the following charge made on the complaint of (a) of (b)

Statement of Offence (c)

Particulars of Offence (d)

and be dealt with according to law.

Dated the day of, 19.... .

Magistrate.

- (a) Full name
 - (b) Full address and occupation
 - (c) Brief statement of offence with written law and section alleged to be contravened, as stated in the charge.
 - (d) Brief particulars of offence in ordinary language, as stated in the charge.
- * Delete whichever is not applicable.

FORM NO. CRIM/5

CRIMINAL PROCEDURE ACT 1972

(Sections 54 and 61)

SUMMONS TO ACCUSED

Criminal Case No.

To (a) of (b)

You are hereby commanded to attend at a.m.*/p.m. on the day of 19...., in the District Court at the Court House at Yaren there to answer the charge set out hereunder and be dealt with according to law:

Provided that your personal attendance will be excused and the case may then be disposed of in your absence if -

- (i) you admit the offence and plead guilty in writing; or
- (ii) you attend by a barrister and solicitor or a pleader.

Statement of Offence (c)

Particulars of Offence (d)

You are warned that -

- (1) If your personal attendance has been excused any fine which may be imposed upon you must be paid within eight days from the date shown above.
- (2) You will NOT receive notification from the Court of any fine which may have been imposed but it is your duty to make inquiry in that respect from the Court. If you fail to pay any such fine within the time allowed or to apply to the Court for an extension of time for payment of the fine you will be liable without further warning to be committed to prison forthwith for such terms as the Court may have lawfully ordered.
- (3) If you do not attend at the time and place stated above, you shall be deemed to have consented to the charge being heard and determined in your absence.

Dated the day of, 19..... .

Magistrate.

Note - This form must be used -

- (a) in all cases in which the offence is punishable only by fine or by imprisonment not exceeding three months, whether or not any disqualification may be ordered or may result from the accused being convicted, and
- (b) in any other case in which the magistrate thinks fit to dispense with the personal attendance of the accused.

- (a) Full name.
- (b) Full address and occupation.
- (c) Brief statement of offence with written law and section alleged to be contravened, as stated in the charge.
- (d) Brief particular of offence in ordinary language, as stated in the charge.

* Delete whichever is not applicable.

FORM NO. CRIM/6

CRIMINAL PROCEDURE ACT 1972