



REPUBLIC OF NAURU

CRIMINAL PROCEDURE (AMENDMENT) NO. 2 BILL 2020

No. of 2020

A Bill for an Act to amend the *Criminal Procedure Act 1972*.

Certified: []

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Criminal Procedure (Amendment) No. 2 Act 2020*.

2 Commencement

This Act commences on certification by the Speaker.

3 Amendment of the *Criminal Procedure Act 1972*

The *Criminal Procedure Act 1972* is amended by the provisions of this Act.

4 Insert new PART 5A

A new PART 5A is inserted as follows:

'PART 5A – EVIDENCE BY AUDIO VISUAL LINK

149A Testimony of witnesses in foreign jurisdiction

- (1) A court shall have the jurisdiction to grant or make such orders as may be necessary to allow a witness in a foreign jurisdiction to tender exhibits or adduce other evidence or give such other testimony through audio visual link without the need for him or her to attend court in the Republic.
- (2) For the purposes of subsection (1), a party to a cause or matter may make an application for consideration by the court.
- (3) Where the court grants or makes an order under this Section, the witness:
 - (a) shall be able to identify or refer to any document, object or other matters of evidence if shown to him or her during the course of the trial; and
 - (b) may be examined in chief or cross examined by any other party or his or her legal representative.
- (4) The witness may tender exhibits or adduce evidence in the same manner and form as he or she would have done had he or she attended court in the Republic.