



REPUBLIC OF NAURU

DISTRICT COURT (AMENDMENT) BILL 2020

No. of 2020

A Bill for an Act to amend the *District Court Act 2018*.

Certified: []

Table of Contents

1	Short title	2
2	Commencement.....	2
3	Amendment of the District Court Act 2018.....	2
4	Amendment of Section 7	2
5	Amendment of Section 31.....	4
6	Amendment of Section 35.....	5
7	Amendment of Section 37.....	5
8	Amendment of Section 44.....	6
9	Amendment of Section 64.....	6
10	Amendment of Section 67.....	7

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *District Court (Amendment) Act 2020*.

2 Commencement

This Act commences on 15 November 2020.

3 Amendment of the District Court Act 2018

The *District Court Act 2018* is amended by the provisions of this Act.

4 Amendment of Section 7

Section 7 is deleted and substituted as follows:

‘7 Appointment, termination, etc of magistrate

- (1) No person shall be appointed to be or to act as a Resident Magistrate, unless that person:
 - (a) is qualified to be admitted as a legal practitioner to practice as a barrister and solicitor under the *Legal Practitioners Act 2019*; and
 - (b) has at least 5 years' experience in legal practice or experience as a judicial officer in the Republic or a court with similar jurisdiction to that of the District Court.
- (2) If a person has been appointed to act as a Resident Magistrate, the person is taken to have ceased to be acting as a Resident Magistrate, where the appointment:
 - (a) is for a specified period, in respect of the hearing and determination of all causes or matters of which the hearing is commenced within the specified period of appointment; and
 - (b) is made for the hearing and determination of a specific cause or matter, in respect of the hearing and determination of that cause or matter only.
- (3) The remuneration and other terms and conditions of appointment of a magistrate shall be fixed by the President:

- (a) in consultation with the Chief Justice; and
 - (b) with the approval of the Cabinet.
- (4) Where a magistrate is appointed to act as a Resident Magistrate or for the purposes of a specific cause or matter, he or she shall be paid equivalent remuneration or allowances that is paid to a Resident Magistrate, unless any higher remuneration is to be paid in accordance with the requirements of subsection (3).
- (5) Subsection (3) does not apply to lay magistrates and the Registrar where he or she is required to perform the functions of a Resident Magistrate or acts as a Resident Magistrate.
- (6) The retirement age for a Resident Magistrate shall be 70 years.
- (7) A magistrate may be appointed for a fixed term contract or until he or she attains the retirement age.
- (8) Subject to subsection (9), a Resident Magistrate continues to hold office until:
- (a) resignation from that office;
 - (b) retirement under subsection (6); or
 - (c) removal from that office.
- (9) Where a magistrate is appointed for a fixed term contract, his or her appointment lapses on the last day of the contract unless the appointment is earlier extended.
- (10) Subject to subsection (10), the appointment of a magistrate may be terminated by the Chief Justice on the grounds of misconduct or inability to perform the functions of the office of a magistrate.
- (11) A Judicial Complaints Tribunal is hereby established for the purposes of conducting an investigation and making recommendations based on the findings of such investigation to the Chief Justice in respect of any complaints against a magistrate and such other judicial officers which the Chief Justice may prescribe.