



REPUBLIC OF NAURU

## SUPREME COURT BILL 2018

---

No. of 2018

---

A Bill for an Act for the Supreme Court of the Republic and for related purposes

Certified: [ ]

### Table of Contents

<b>PART 1 – PRELIMINARY.....</b>	<b>6</b>
1 Short title.....	6
2 Commencement.....	6
3 Definitions.....	6
<b>PART 2 – THE SUPREME COURT .....</b>	<b>7</b>
4 The Supreme Court .....	7
5 Seal .....	8
<b>PART 3 – COMPOSITION OF THE SUPREME COURT.....</b>	<b>8</b>
6 Composition of the Supreme Court.....	8
7 Exercise of jurisdiction of the Supreme Court.....	8
8 Powers of Judges .....	9
9 Qualification for appointment as Chief Justice and Judge.....	9
10 Tenure of Chief Justice and Judges .....	9
11 Oath or affirmation.....	10
<b>PART 4 – OFFICERS OF THE COURT .....</b>	<b>10</b>
12 Registrar of the Courts.....	10

13	Duties of the Registrar .....	10
14	Deputy Registrars.....	11
15	Powers of Deputy Registrars.....	11
16	Other officers.....	11
	<b>PART 5 – JURISDICTION.....</b>	<b>11</b>
17	Jurisdiction of the Supreme Court .....	11
	<b>PART 6 –POWERS OF THE SUPREME COURT.....</b>	<b>12</b>
18	Power of Supreme Court to refer to arbitration.....	12
19	Power of Supreme Court to refer to referee .....	12
20	Power to order arrest of absconding debtors .....	13
21	Power of Judges to administer oath or affirmations .....	14
22	Power to recuse .....	15
23	Power to transfer from the Supreme Court to the District Court .....	15
24	Power to award costs .....	15
25	Power to adjourn .....	15
26	Power to admit legal practitioners.....	15
27	Powers and jurisdiction in relation to corporations.....	16
	<b>PART 7 – CONSTITUTIONAL APPLICATION, INTERPRETATION, EFFECT AND REDRESS .....</b>	<b>16</b>
28	Exercise of jurisdiction .....	16
29	Application .....	16
30	Reference by the subordinate court by way of case stated on the Constitution or an important question of law .....	16
31	Limitation on applications for Constitutional interpretation .....	17
	<b>PART 8 – PROBATE CAUSES AND MATTERS.....</b>	<b>17</b>
32	Application for grant or revocation of probate or administration.....	17
33	Resealing.....	18
34	Caveats .....	18
35	Records of grants .....	18
36	Power of the Supreme Court in relation to personal representatives .....	18
	<b>PART 9 – SUPERVISORY JURISDICTION.....</b>	<b>18</b>
37	Supreme Court's supervisory jurisdiction .....	18
	<b>PART 10 – APPEALS FROM THE DISTRICT COURT IN CRIMINAL CAUSES OR MATTERS .....</b>	<b>19</b>
38	Appeal to the Supreme Court in criminal causes and matters.....	19
39	Limitation of appeal on plea of guilty and in petty cases .....	19
40	Time for filing appeal or application for leave to appeal .....	20
41	Appeal to be by way of notice of appeal .....	20
42	Form and contents of notice of appeal.....	20
43	Respondent's notice .....	20
44	Respondent's notice to be treated as notice of appeal .....	21
45	Amendment to the notice of appeal and respondent's notice .....	21
46	Who may prepare the notice of appeal .....	21
47	Extension of time.....	22
48	Admission to bail and suspension of sentence pending appeal.....	22

49	Suspension of order for restoration or payment of compensation, expenses, etc.....	22
50	Notice of hearing .....	23
51	Costs .....	23
52	Discontinuance of appeal.....	23
53	Determination of appeal by the Supreme Court in ordinary cases.....	23
54	Powers of the Supreme Court in special cases .....	25
55	Powers of the Supreme Court to adduce fresh evidence .....	25
56	No appeal on point of form or matter of variance unless raised in the District Court.....	26
57	Supreme Court order on appeal to be certified to the District Court.....	26
58	Right of appellant to be present.....	27
59	Revisionary power of the Supreme Court .....	27
60	Power of the Resident Magistrate to call for records of the District Court and to report to the Supreme Court.....	27
61	Powers of the Supreme Court on revision.....	27
62	Discretion of the Supreme Court as to hearing parties .....	28
63	Number of Judges on revision.....	28
64	Supreme Court order on revision to be certified to the District Court.....	28
	<b>PART 11 – APPEALS FROM THE DISTRICT COURT IN CIVIL CAUSES AND MATTERS.....</b>	<b>29</b>
65	Appeal to the Supreme Court in civil causes and matters .....	29
66	Appeal to be by way of notice of appeal .....	29
67	Time for appeal .....	29
68	Security for costs.....	29
69	Respondent's notice .....	30
70	Amendment to the notice of appeal and respondent's notice .....	30
71	Powers of the Supreme Court .....	30
72	Supreme Court order to be certified to the District Court .....	31
73	Fresh evidence.....	31
	<b>PART 12 – PROCEDURE AND RULES FOR APPEALS FROM DISTRICT COURT.....</b>	<b>31</b>
74	Appeals to be by way of rehearing .....	31
75	Procedure where appeal not prosecuted .....	32
76	Rules for appeals .....	32
77	Appeals from Arrest of Judgment .....	32
	<b>PART 13 – MODE OF CONDUCTING PROCEEDINGS OF THE SUPREME COURT.....</b>	<b>33</b>
78	Mode of conducting proceedings of the Supreme Court .....	33
79	Language of the Supreme Court .....	33
80	Sittings of the Court.....	33
	<b>PART 14 – WITNESSES .....</b>	<b>33</b>
81	Summoning witnesses.....	33
82	Compelling attendance of witness .....	33
83	Prisoners may be brought to give evidence .....	34
84	Refusal to give evidence .....	34
85	How allowances to witnesses are to be defrayed in civil cases .....	34
86	Inspection of site, property or fixed evidence .....	34

87	Copies of and access to records of evidence .....	35
88	Recording of evidence .....	35
<b>PART 15 – ENFORCEMENT OF JUDGMENTS AND ORDERS OF THE SUPREME COURT .....</b>		<b>35</b>
89	Powers of the Supreme Court to enforce judgments and orders .....	35
<b>PART 16 – EXECUTION OF THE PROCESS OF THE COURTS.....</b>		<b>36</b>
90	Commissioner of Police to be responsible for execution of process of the Courts.....	36
91	Police to obey orders and directions of Judges .....	36
92	Execution of process .....	36
93	Execution of warrants .....	36
94	Execution of sentence .....	36
<b>PART 17 – FEES AND FUNDS IN THE SUPREME COURT .....</b>		<b>37</b>
95	Fees .....	37
96	Courts Trust Fund and securities deposited in court.....	37
97	Moneys in Fund and securities deposited to be held in trust by Registrar.....	37
98	Republic to pay bank charges and be liable for loss of moneys and securities .....	37
99	Rules relating to the Courts Trust Fund .....	38
<b>PART 18 – REPRESENTATION OF PARTIES .....</b>		<b>38</b>
100	Representation of the Republic and public officers.....	38
101	Representation of parties .....	38
102	Exercise of power of transfer.....	38
103	Judgment of District Court may be removed into Supreme Court.....	39
<b>PART 19 – PRACTICE AND PROCEDURE.....</b>		<b>39</b>
104	Practice and procedure.....	39
<b>PART 20 – PROTECTION OF JUDGES AND OFFICERS OF THE SUPREME COURT .....</b>		<b>39</b>
105	Protection of Judges and officers of the Supreme Court.....	39
<b>PART 21 – AFFIDAVITS .....</b>		<b>40</b>
106	Appointment of Commissioners.....	40
107	Swearing of affidavits outside the Republic.....	40
<b>PART 22 – CONTEMPT OF COURT .....</b>		<b>41</b>
108	Contempt of court .....	41
<b>PART 23 - MISCELLANEOUS.....</b>		<b>41</b>
109	Courts not to be held on certain days .....	41
110	Vacations .....	41
111	Common law and the law of equity .....	42
<b>PART 24 – RULES OF THE COURT .....</b>		<b>42</b>
112	Rules of the Court.....	42
<b>PART 25 - SAVINGS AND TRANSITIONAL PROVISIONS.....</b>		<b>42</b>
113	Imperial enactments ceasing to have effect in the Republic.....	42
114	Judicial officers to continue in office .....	43
115	Other officers of court to continue in office.....	43
116	Proceedings, etc, continue under relevant Act .....	43
<b>PART 26 – CONSEQUENTIAL AMENDMENTS AND REPEAL .....</b>		<b>43</b>

117 Consequential amendments and repeal.....	43
118 General amendments as to references .....	44
119 Repeals .....	44