



REPUBLIC OF NAURU

LIMITATION BILL 2017

No. of 2017

A Bill for an Act to provide for time limits and for commencing civil proceedings, arbitrations and for related matters

Certified: []

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Enacted by the Parliament of Nauru as follows:

PART 1 - PRELIMINARY

1 Short title

This Act may be cited as the *Limitation Act 2017*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Definitions

In this Act, unless the context requires otherwise:

'after the lapse' means the day commencing after the last day of the limitation period;

'arbitral award' means the resolution or determination by an arbitrator of a difference or matter referred to arbitration under an arbitration provision;

'arbitration provision' means —

- (a) a provision of an agreement to refer present or future differences to arbitration, whether an arbitrator is named in the agreement or not; and
- (b) a provision of any written law requiring or permitting the determination of any matter by arbitration or relating to such an arbitration;

'award' a decision of an Arbitration, Mediation or other tribunal not being a court;

'cause of action' means the facts that enable a person in law to bring an proceeding against another person;

'claim' means a proceeding:

- (a) that may be made in a court or tribunal (other than in a criminal or disciplinary proceeding); or
- (b) the dispute relating to which may be referred to arbitration t which a relief is sought; and
- (c) a primary or ancillary relief is sought;

'claimant' means a person to whom the right to a cause of action for a claim for primary or ancillary relief vests;

'commence, commenced or commencement of proceeding' means the filing of a proceeding by way of a writ of summons, Originating Summons, Origination Motion or Petition or any other mode of

instituting proceeding in accordance with the rules of the Court or any other laws applicable to the claim;

‘Defamation’ includes libel and slander;

‘defendant’ includes a respondent against whom a proceeding is commenced;

‘future interest’ means an estate in reversion or remainder or other vested or contingent interest in property which is yet to entitle immediate possession of the property;

‘guardian’ in relation to a person who is a minor when a cause of action accrues to the person means a person —

- (a) who at law has responsibility for the long-term care, welfare and development of the minor before the minor reaches 18 years of age; and
- (b) for whom it is practicable, having regard to the person’s relationship with minor to commence a proceeding on behalf of the minor;

‘guardian’ in relation to a person with a mental disability means a person who —

- (a) is either a guardian of mental disability or the administrator of mental disable person’s estate, or both; and
- (b) has, under the guardianship order, the administration order as is relevant to the case, the function of considering the appropriateness of commencing a proceeding on behalf of person with mental disability;

‘income’ includes interest on a judgment and other interest, and includes rent, annuities and dividends, but does not include arrears of interest secured by a mortgage and lawfully treated as principal;

‘land’ includes —

- (a) corporeal hereditaments and rent charges and any estate or interest in those things whether freehold or leasehold and whether at law or in equity; and
- (b) the interest, pending sale of land (including incorporeal hereditaments) held on trust for sale, of a person having an interest in the proceeds of sale,

but otherwise does not include incorporeal hereditaments;

‘limitation period’, in relation to a claim, means the period after which a court proceeding shall not be commenced with respect to the claim;

‘mental disability’ in relation to a person, means a disability suffered by the person (including an intellectual disability, a psychiatric condition, an acquired brain injury or dementia) which affects the person from making