



REPUBLIC OF NAURU

CRIMINAL PROCEDURE (AMENDMENT) BILL 2016

No. 22 of 2016

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

Certified: []

Table of Contents

1	SHORT TITLE	1
2	COMMENCEMENT	1
3	AMENDMENT OF CRIMINAL PROCEDURE ACT 1972.....	1
4	AMENDMENT OF SECTION 2.....	1
5	AMENDMENT OF SECTION 21.....	1
6	INSERT NEW SECTION 50A.....	1
7	INSERT NEW SECTION 50B.....	2
8	INSERT NEW SECTION 50C.....	2
9	AMENDMENT OF SECTION 61.....	2
10	AMENDMENT OF SECTION 73.....	2
11	INSERT NEW SECTION 80A.....	2
12	AMENDMENT OF SECTION 82.....	3
13	AMENDMENT OF SECTION 84.....	3
14	AMENDMENT OF SECTION 87A.....	3

15	AMENDMENT OF SECTION 112.....	3
16	AMENDMENT OF SECTION 114.....	4
17	AMENDMENT OF SECTION 146.....	4
18	AMENDMENT OF SECTION 148.....	4
19	AMENDMENT OF SECTION 160.....	4
20	AMENDMENT OF HEADING FOR PART VII.....	4
21	REPEAL OF SECTIONS	5
22	AMENDMENT OF SECTION 179.....	5
23	AMENDMENT OF SECTION 181.....	6
24	AMENDMENT OF SECTION 199.....	6
25	REPEAL OF SECTION 200.....	6
26	TRANSITIONAL AND SAVINGS	6

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Criminal Procedure (Amendment) Act 2016*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Amendment of Criminal Procedure Act 1972

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

4 Amendment of section 2

Section 2 is amended as follows:

(a) the following definition is omitted:

'preliminary inquiry' means an inquiry into a criminal charge held by the District Court under Part VII of this Act with a view to the committal of the accused person for trial before the Supreme Court;

(b) the definition of 'sentence' is amended by omitting the words 'Part IV of the Motor Traffic Act 1937' and substituting with the words '*Motor Traffic Act 2014*'.

5 Amendment of section 21

The words 'it is reasonable and' are inserted after the words 'as soon as' and before the word 'practicable'.

This portion of the clause will now read:

...where any person is detained in custody he shall be brought before the District Court as soon as it is reasonable and practicable:'

6 Insert new section 50A

50A Office of the Public Legal Defender

(1) There shall be an office of the Public Legal Defender.

(2) The President may appoint a barrister or solicitor to hold the position of Director of the office of the Public Legal Defender.

7 Insert new section 50B

50B Other staff of the office of the Public Legal Defender

There may be other employees appointed to the office of the Public Legal Defender on such terms and conditions approved by the Chief Secretary after consultations with the Secretary for Justice and Border Control.

8 Insert new section 50C

50C Functions of the Public Legal Defender

(1) The functions of the Public Legal Defender are to provide legal aid, advice and assistance to persons:

(a) in need who may be charged or have been charged with a criminal offence; or

(b) who need such aid, advice and assistance in respect of legal proceedings under any other Act; or

(c) subject to the availability of resources and staffing, when requested to do so by the Supreme Court or the District Court.

(2) The Director may, after consultation with the Secretary for Justice and Border Control, establish guidelines setting out eligibility criteria for receiving legal aid, advice or assistance.

9 Amendment of section 61

Section 61 (5) is amended by omitting '*Motor Traffic Act 1937*' and substituting with '*Motor Traffic Act 2014*'.

10 Amendment of section 73

Section 73 is amended by omitting the words 'Superintendent of the prison' as it appears twice in this section and substituting with the words 'Chief Correctional Officer'.

11 Insert new section 80A

80A Considerations for bail

A person charged with an offence is entitled to bail, either conditionally or unconditionally, and the Court in considering whether to grant bail or remand a person in custody will take into consideration the following:

(a) the strength of the prosecution's case;