

THE ISLAND OF NAURU.

No. 3 of 1962.

A N O R D I N A N C E

To amend the Judiciary Ordinance 1957.

I, the Administrator of the Island of Nauru, in pursuance of the powers conferred by Article I. of the Agreement dated the second day of July, 1919, between the Government of the United Kingdom, the Government of the Commonwealth of Australia and the Government of New Zealand, hereby make the following Ordinance.

Dated this Fifth day of September, 1962.



Administrator of the
Island of Nauru.

JUDICIARY ORDINANCE 1962.

Short title
and citation.

1.-(1.) This Ordinance may be cited as the Judiciary Ordinance 1962.[≠]

(2.) The Judiciary Ordinance 1957[‡] is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the Judiciary Ordinance 1957-1962.

[≠] Notified in the Nauru Government Gazette No.33 dated 5th September, 1962.

[‡] Ordinance No. 3, 1957.

Special leave
to appeal.

2. Section thirty-four of the Principal Ordinance is amended by omitting the words "aggrieved by" and inserting in their stead the words "dissatisfied with".

3. After section thirty-four of the Principal Ordinance the following section is inserted :-

Interpretation.

"34A. A reference in either of the last two preceding sections to a party to a proceeding shall be read as including a reference to the prosecutor in a criminal proceeding."

Judgment of
the Central
Court.

4. Section thirty-eight of the Principal Ordinance is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections :-

"(2.) On the hearing of such an appeal, the Central Court may, subject to the next succeeding sub-section -

- (a) affirm, reverse or modify the judgment appealed from;
- (b) give such judgment as to the Court seems proper; and
- (c) make such other order as justice requires.

"(3.) The powers conferred on the Central Court by the last preceding sub-section include, in the case of an appeal in a criminal proceeding, the power to increase or reduce the sentence imposed, but the Central Court shall not increase the sentence on an appeal by the accused person unless -

- (a) an appeal was also brought by the prosecutor; and
- (b) the Central Court is satisfied that the sentence was clearly inadequate or was imposed on a demonstrably wrong principle."

Special leave
to appeal.

5. Section forty of the Principal Ordinance is amended by omitting the words "aggrieved by" and inserting in their stead the words "dissatisfied with".

6. After section forty of the Principal Ordinance the following section is inserted :-

Interpretation.

"40A. A reference in either of the last two preceding sections to a party to a proceeding shall be read as including a reference to the prosecutor in a criminal proceeding."

Judgment of
Court of
Appeal.

7. Section forty-five of the Principal Ordinance is amended by omitting sub-section (1.) and inserting in its stead the following sub-sections :-

"(1.) On the hearing of an appeal, not being an appeal by way of case stated, the Court of Appeal may, subject to the next succeeding sub-section -

- (a) affirm, reverse or modify the judgment appealed from;
- (b) give such judgment as ought to have been given by the Central Court; and
- (c) make such other order as justice requires.

"(1A.) The powers conferred on the Court of Appeal by the last preceding sub-section include, in the case of an appeal in a criminal proceeding, the power to increase or reduce the sentence imposed, but the Court of Appeal shall not increase the sentence unless it is satisfied that the sentence was clearly inadequate or was imposed on a demonstrably wrong principle."