



REPUBLIC OF NAURU

CONSTITUTION (AMENDMENT) ACT 2018

No. 12 of 2018

An Act to amend the Constitution of Nauru

Certified: 10th May 2018

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Constitution (Amendment) Act 2018*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Amendment of Constitution

The Constitution is amended by the provisions of this Act.

4 Repeal and replace Article 57

Article 57 is repealed and replaced with the following:

57 Nauru Court of Appeal

- (1) There shall be a Nauru Court of Appeal, with jurisdiction and powers to hear and determine appeals on all decisions or judgments of the Supreme Court.
- (2) For the avoidance of doubt, there shall be no appeals from any decisions or judgments of the Court of Disputed Returns.
- (3) The judges of the Nauru Court of Appeal are to be such number of Justices of Appeal as the President determines in consultation with the Chief Justice.
- (4) The Justices of Appeal are to be appointed by the President in consultation with the Chief Justice.
- (5) The Chief Justice by virtue of office is a Justice of Appeal and shall preside as the President of the Court of Appeal.
- (6) The Chief Justice shall not preside or form the quorum of the Nauru Court of Appeal on the hearing of an appeal from any judgments or decisions of the Chief Justice sitting as judge in the Supreme Court.
- (7) A person is not qualified to be appointed a Justice of Appeal unless he or she is qualified to be appointed as a judge of the Supreme Court and has been so qualified for at least 5 years.
- (8) A person may be appointed a Justice of Appeal either for a period of time or for the hearing of one or more particular appeals as specified in the instrument of appointment.

(9) No person may serve as a Justice of Appeal after the age of 75 years except that the person may continue to hear an appeal commenced before he or she attained that age.

(10) Articles 51 and 52 of this Constitution apply with necessary modifications to Justices of Appeal as they apply to judges of the Supreme Court.

5 Insert new Article 57A

57A Judicial power and authority of the Republic

The judicial power and authority of the Republic is vested in the Court of Appeal, the Supreme Court, the District Court, and in such other courts or tribunals as are created by law.