

**TITLE 27 – THE COURT AND COURT OFFICERS
CHAPTER 1 - THE JUDICIARY FUND**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

JUDICIARY FUND ACT 1989

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AN ACT to repeal and re-enact the *Judiciary Fund Act 1984* to establish a more efficient means for the administration of funds received by the judiciary and for related purposes.

Commencement: September 18, 1989
Source: P.L. 1989-69
Amended By: P.L. 1993-43 P.L. 1994-99 P.L. 1997-59
 P.L. 2003-103

§101. Short title.

This Chapter may be cited as the Judiciary Fund Act of 1989. [P.L. 1989-69, §1.]

§102. The Judiciary Fund.

The Judiciary Fund (the Fund) is hereby established. The Fund is a fund other than the General Fund for purposes of Article VIII section 3 (2) of the Constitution of the Republic. [P.L. 1989-69, §2; amended by P.L. 1994-99, §3(13) [amended by P.L. 2003-103]

§103. Payments into the Fund.

There shall be paid into the Fund:

- (1) any money appropriated by the Nitijela for the Judiciary;
- (2) all fees, fines, and other sums paid to and collected by the courts, except for fines and fees derived from local government ordinances

which shall be deposited directly with each local government's department of finance; and

- (3) all money in or credited to the Judiciary Fund, created under the Judiciary Fund Act 1984, before the effective date of this Chapter, including without limitation all funds held in Master Fund No. 400,000 by the Department of Finance. [P.L. 1989-69, §3; amended by P.L. 1993-43, §1.]

§104. Payments out of the Fund.

- (1) Payments shall be made out of the fund for or to the following purposes and recipients, and only for or to the following purposes and recipients:
 - (a) with respect to monies appropriated by the Nitijela, for the purposes for which the monies were appropriated;
 - (b) with respect to fees, fines and other sums paid to or collected by the courts for or with respect to the violation of National Government laws, except as provided for by another Act, to the Ministry of Justice Special Revenue Fund at least monthly, or if there is no Ministry of Justice Special Revenue Fund, to the Marshall Islands General Fund at least monthly; and
 - (c) with respect to fees, fines, and other sums paid to or collected by the courts, except as provided for in Paragraphs (b) and (c) of this subsection, or by another Act, for the education and training of the Marshall Islands legal community, including without limitation judges of the Community Courts and to meet expenses incurred in the administration of the Courts as deemed necessary by the Chief Justice of the High Court.
- (2) The Chief Justice of the High Court shall, with the approval of the Chief Justice of the Supreme Court and in advance of each financial year, prepare a budget, consistent with the provisions of this Chapter, for the withdrawal and the expenditure of monies out of the Fund for that financial year. The budget may, with the approval of the Chief Justice of the Supreme Court, be amended by the Chief Justice of the High Court from time to time as he may deem necessary and desirable. Approved budgets shall be forwarded to the Secretary of Finance to guide him in maintaining accounts and records for the Fund.

- (3) No money shall be withdrawn from the Fund except in accordance with this Chapter and with the procedures prescribed by the Financial Management Act, 11 MIRC 1.
- (4) A delegation under Article VIII, Section 5(1) of the Constitution of the Republic to expend money out of the Fund is given to the Chief Justice of the High Court and the Clerk of Courts acting together. [P.L. 1989-69, §4; amended by P.L. 1993-43, §2; amended by P.L. 1994-99, §3(13); amended by P.L. 1997-59, §2.][new sub(4) inserted by P.L. 2003-103]

§105. Accounts and records.

- (1) The Secretary of Finance, with the assistance of the Chief Justice of the High Court, shall cause to be maintained books of accounts and records in accordance with generally accounting principles for government funds, as adopted and occasionally amended by the Government Accounting Standards Board, of:
 - (a) the Fund;
 - (b) any money paid into or out from the Fund; and
 - (c) the property purchased with money from the Fund.
- (2) The accounts and records referred to in Subsection (1) of this Section, are subject to audit under Article VIII, Section 15 of the Constitution of the Republic of the Marshall Islands.
- (3) The Chief Justice of the High Court and the Clerk of the Courts acting together shall open and maintain as few bank accounts as is necessary for the efficient operation of the Fund, which bank accounts shall likewise be subject to audit under Article VIII, Section 15 of the Constitution of the Republic of the Marshall Islands." [P.L. 1989-69, §5; amended by P.L. 1994-99, §3(13).][amended by P.L. 2003-103]

§106. Taxation.

The Fund and related transactions are not subject to any tax, rate, charge, or impost under any other law. [P.L. 1989-69, §6.]