



REPUBLIC OF NAURU

Criminal Procedure (Amendment) Act 2015

Act No. 25 of 2015

An Act to amend the Criminal Procedure Act 1972

Certified: 23 October 2015

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Criminal Procedure (Amendment) Act 2015*

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 87

Section 87 is repealed and substituted with the following:

87 Absconding or breaching conditions of bail offences

- (1) A person who has been released on bail and who without reasonable cause attempts to abscond or fails to surrender to custody, or otherwise breaches any condition of bail imposed by the Court, commits an offence and is liable on conviction to a fine of \$2,000 or 12 months imprisonment, or both.
- (2) The burden is on the defendant to prove that he or she had reasonable excuse for failing to surrender to custody or for a breach of his or her bail conditions.
- (3) The burden is on the prosecution to prove that the defendant attempted to abscond bail.
- (4) A police officer may arrest without warrant any person who has been admitted to bail:
 - (a) if the officer has reasonable grounds for believing that that person is likely to break the condition that he will attend at the time and place required or any other condition on which he was admitted to bail, or has reasonable cause to suspect that that person is breaking or has broken any such other condition; or
 - (b) on being notified in writing by any surety for that person that the surety believes that that person is likely to break the first-mentioned condition and for that reason the surety wishes to be relieved of his obligations as a surety.
- (5) A person arrested under the last preceding subsection:

- (a) shall, except where he was so arrested within the period of twenty-four hours immediately preceding an occasion on which he is required by virtue of a condition of his bail to attend before the District Court, be brought before that Court as soon as practicable and in any event within twenty-four hours after his arrest; and
 - (b) in the said excepted case shall be brought before the Court as aforesaid.
- (6) Where a person who is charged for an offence under subsection 1 is brought before the Court, the Court shall without delay hear the charge of Attempting to Abscond or Absconding or Breaching of Bail Conditions and may, if of the opinion that the person has committed an offence, convict the person and sentence him accordingly.
- (7) Where a person is brought before the District Court under the last preceding subsection, the Court in passing sentence may wholly or in part forfeit any bail recognizance and if ordering a fine release him on a new recognizance, with or without sureties.

5 Insert new section 87A

87 A Alleged Offences Committed During the Bail Period

- (1) Where a person who is on bail, is charged for a subsequent offence during the bail period, the police on its application to revoke bail shall provide the Court with:
- (a) A copy of the summary of facts outlining the allegations in support of the charge;
 - (b) A copy of the caution interview of the person;
 - (c) A copy of the charge statement of the person;
 - (d) Copies of witness statements; and
 - (e) Any other documentary evidence that the police have in their possession.
- (2) The Court in considering subsection (1) shall take into account the following:
- (a) the strength of the prosecution's case;
 - (b) the circumstances, nature and seriousness of the allegations in the subsequent offence;
 - (c) the likelihood that the person may continue to commit offences during the bail period;

(d) the protection of the person from the public; and

(e) the public interest and the protection of the community.

(3) If the Court is of the opinion that a prima facie case is made out against the person on a consideration of the documents provided by the police in subsection (1) the Court shall revoke the defendant's bail and:

(a) remand the person in prison if the maximum sentence on the subsequent offence is equal to or more than the offence in which he was on bail on;

(b) release the person on a new bail recognizance and conditions if the maximum sentence on the subsequent offence is less than the offence on which he was on bail on and at any event equal to or less than 1 year.