

THE TERRITORY OF NAURU

No. 1 of 1966

A N O R D I N A N C E

To revise and amend a certain Law and certain Ordinances of the Territory in Consequence of the Enactment of the Nauru Act 1965.

I, THE ADMINISTRATOR of the Island of Nauru, in pursuance of the powers conferred by Article 1 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 *25th* day of January, 1966.

[Signature]
Administrator of the
Island of Nauru.

ORDINANCES REVISION ORDINANCE 1966.

Short
title.

1. This Ordinance may be cited as the Ordinances
Revision Ordinance 1966.

Commence-
ment.

2.-(1.) Subject to this section, this Ordinance shall come into operation on the date fixed by Proclamation under sub-section (2.) of section 2 of the Nauru Act 1965.

(2.) Section 4 of, and the Second Schedule to, this Ordinance shall come into operation on the date fixed by Proclamation under sub-section (3.) of section 2 of the Nauru Act 1965.

Amendment
of Law and
Ordinances.

3. The Law and Ordinances specified in the first column of the First Schedule to this Ordinance are amended as respectively specified in the second column of that Schedule.

☒ Notified in the Territory of Nauru Gazette on 25th January, 1966.

Amendment of
the Judiciary
Ordinance.

4.-(1.) The Judiciary Ordinance 1957-1965 is amended by inserting after Section 16 the following Section:-

District Court has no jurisdiction in matters involving interpretation of the Nauru Act 1965.

"16A-(1) Notwithstanding the last two preceding sections, the District Court has no jurisdiction to hear and determine a matter involving the interpretation of the Act.

"(2) Where in any matter pending in the District Court there arises any question involving the interpretation of the Act, the District Court shall not proceed further with the matter and the matter shall, by virtue of this section and without any order of the District Court, be removed to the Central Court.

"(3) Where a matter is removed to the Central Court in accordance with the last preceding subsection, the matter shall be heard and determined by the Central Court as if it had originated in the Central Court".

(2.) The Judiciary Ordinance 1957-1965 is further amended as set out in the Second Schedule to this Ordinance.

(3.) Notwithstanding the amendments of the Judiciary Ordinance 1957-1965 made by this Ordinance, sub-section (1.) of section 6 of the first-mentioned Ordinance continues to apply to references to the District Court in relation to anything done, or required or permitted to be done before the commencement of this section.

(4.) The Judiciary Ordinance 1957-1965, as amended by this Ordinance, may be cited as the Judiciary Ordinance 1957-1966.

Citation of
amended
Ordinances.

5. Each Ordinance specified in the first column of the Third Schedule to this Ordinance, as amended by this Ordinance, may be cited in the manner specified in the

second column of that Schedule opposite to the reference to that Ordinance in the first column.

THE SCHEDULES

FIRST SCHEDULE

Section 3.

Amendment of Law and Ordinances

Law or Ordinance	Extent of Amendment
<u>Chinese and Native Labour Ordinance 1922-1964</u>	Section 3 - From the definition of "the Court" omit "established under the <u>Judiciary Ordinance 1922-1952</u> "
<u>Criminal Procedure Ordinance 1957</u>	Section 4 - From sub-section (3.) omit "The <u>Criminal Procedure Ordinance</u> ", insert "Subject to sub-section (3.) of section forty-nine of the <u>Nauru Act 1965</u> , the <u>Criminal Procedure Ordinance</u> "
<u>Interpretation Ordinance 1956-1965</u>	Section 5 - (a) Insert in the definition of "Ordinance", before paragraph (a), the following paragraph:- "(aa) an Ordinance made under Part IV. of the <u>Nauru Act 1965</u> ;" (b) In the definition of "Ordinance of the Island" insert, after "Administrator", "of the Island before the date fixed by Proclamation under sub-section (2.) of section 2 of the <u>Nauru Act 1965</u> " (c) From the definition of "statutory declaration" omit "of the Island", insert "in force in

Law or Ordinance	Extent of Amendment
<p><u>Interpretation Ordinance</u> 1956-1965 (Continued)</p>	<p>the Territory"</p> <p>(d) From the definition of "the Administration" omit "Island", insert "Territory"</p> <p>(e) From the definition of "the Administrator" omit "Island", insert "Territory appointed under section six of the <u>Nauru Act</u> 1965 and includes a person acting in the office of Administrator"</p> <p>(f) After the definition of "'the Council' or 'the Nauru Local Government Council'" insert the following definition:- "'the Court of Appeal' means the Court of Appeal of the Island of Nauru;"</p> <p>(g) After the definition of "the District Court" insert the following definition:- "'the Executive Council' means the Executive Council for the Territory of Nauru;"</p> <p>(h) Omit the definition of "<u>the Gazette</u>", insert the following definition:- "'the <u>Gazette</u>' means the <u>Territory of Nauru Gazette</u>;"</p> <p>(i) After the definition of "the Island" insert the following definition:- "'the Legislative Council' means the Legislative Council for the Territory of Nauru;"</p> <p>(j) After the definition of "the Nauru</p>

Law or Ordinance	Extent of Amendment
<p><u>Interpretation Ordinance</u> 1956-1965 (Continued)</p>	<p>Lands Committee" insert the following definition:-</p> <p>"'the Territory' means the Territory of Nauru."</p> <p>Section 7 -</p> <p>Omit "of the Island", insert "in force in the Territory"</p> <p>Section 9 -</p> <p>Omit "Island" (wherever occurring), insert "Territory"</p> <p>Section 17 -</p> <p>Omit "Island", insert "Territory"</p> <p>Section 19 -</p> <p>Omit "of the Island", insert "in force in the Territory"</p> <p>Section 20 -</p> <p>Omit "of the Island", insert "in force in the Territory"</p> <p>Section 26 -</p> <p>Repeal, insert the following section:-</p> <p>"26.-(1.) An Ordinance made after the thirtieth day of August, 1956, and before the commencement of this section, shall, unless the contrary intention appeared in the Ordinance, be deemed to have come into operation on the day on which notice of the making of the Ordinance was published in the <u>Nauru Government Gazette</u>.</p> <p>"(2.) An Ordinance made by the Legislative Council that is assented to by the Administrator comes into operation on the day on which it receives the Administrator's assent, unless the</p>

Law or Ordinance	Extent of Amendment
<p><u>Interpretation Ordinance</u> <u>1956-1965</u> <u>(Continued)</u></p>	<p>contrary intention appears in the Ordinance.</p> <p>"(3.) An Ordinance made by the Legislative Council that is reserved for the Governor-General's consideration, comes into operation on the day on which the Administrator publishes in the <u>Gazette</u> a notification that the Governor-General has declared that he assents to the Ordinance, unless the contrary intention appears in the Ordinance."</p> <p>Section 30 - Repeal</p> <p>Section 39 - Repeal, insert the following section:-</p> <p>"39.-(1.) The Ordinances made under the <u>Nauru Act</u> 1965 that are assented to in each year shall be numbered in regular arithmetical series, beginning with the number one, in the order in which they are assented to.</p> <p>"(2.) For the purposes of the last preceding sub-section, an Ordinance that is reserved for the Governor-General's consideration shall be deemed to have been assented to on the day on which notification of the Governor-General's declaration that he assents to the Ordinance is published in the <u>Gazette</u> and an Ordinance made by the Governor-General shall be deemed to have been assented to on the day on which notification of the making of the Ordinance is published in the <u>Gazette</u>."</p>

Law or Ordinance	Extent of Amendment
<p><u>Interpretation Ordinance</u> 1956-1965 (Continued)</p>	<p>"(3.) Notwithstanding sub-section (1.) of this section, the arithmetical series in relation to Ordinances assented to in the year 1966 shall begin with the number next succeeding the number of the last Ordinance of the Island made before the commencement of this section."</p> <p>Section 46 -</p> <p>(a) Omit "of the Island" (first and third occurring), insert "made under Part IV. of the <u>Nauru Act 1965</u>"</p> <p>(b) Omit "Island" (third and fifth occurring), insert "Territory"</p> <p>Section 47 -</p> <p>After "Ordinance" (second and fourth occurring) insert "(including an Ordinance made under Part V. of the <u>Nauru Act 1965</u>)"</p>
<p><u>Native Administration Ordinance 1922</u></p>	<p>Section 4 -</p> <p>Omit paragraph (c)</p>
<p><u>Nauru Local Government Council Ordinance</u> 1951-1965</p>	<p>Section 3 -</p> <p>(a) Omit the definition of "<u>Nauru Gazette</u>", insert the following definition:-</p> <p>"'<u>Nauru Gazette</u>' means the <u>Territory of Nauru Gazette</u>;"</p> <p>(b) Omit the definition of "The Administrator"</p>
	<p>Section 41 -</p> <p>Omit sub-section (1.), insert the following sub-section:-</p>

Law or Ordinance	Extent of Amendment
<u>Nauru Local Government Council Ordinance 1951-1965</u> (continued)	"(1.) The Council may advise the Administrator in relation to any matter affecting the Nauruans and has such other powers and functions as are provided by or under this or any other Ordinance."
<u>Nauruan Housing Ordinance 1957</u>	Section 4 - Omit the definitions of "the Central Court" and " <u>the Gazette</u> "
<u>Oaths Ordinance 1912-1956</u>	Section 4 - Omit "The oath", insert "Subject to the <u>Nauru Act 1965</u> , the oath"
	Section 5 - Omit the definition of "Executive Councillor's Oath"
	Section 7 - From sub-section (1.) omit "The oath", insert "Subject to the <u>Nauru Act 1965</u> , the oath"
	Section 8 - Omit from sub-section (1.) "judges of the Central Court and"
	Section 9 - Repeal
	Section 20 - Omit "judicial oath or Executive Councillor's oath", insert "or judicial oath"
	Fifth Schedule - Repeal

Law or Ordinance	Extent of Amendment
<p><u>Suspension of Sentences Ordinance 1921</u></p>	<p>Section 3 - Repeal</p> <p>Section 4 - Omit "under his hand - (a) withdraw such suspension, whereupon the sentence, or if the person concerned had undergone any period of the imprisonment awarded at the date on which the sentence was suspended, the uncompleted portion of such sentence shall be immediately put into operation; or (b) wholly, or in part, remit the sentence awarded.", insert "under his hand withdraw such a suspension, and upon such a suspension being withdrawn the sentence, or if the person concerned had undergone any period of imprisonment awarded at the date on which the sentence was suspended, the uncompleted portion of the sentence, shall be immediately put into operation."</p>
<p>The First Schedule to <u>The Criminal Code Act, 1899</u>, of the State of Queensland, in its application in the Territory</p>	<p>The table of sections appearing immediately before Part I. - Omit "21. Grant of pardon, remission, etc." Section 21 and the heading immediately preceding that section - Repeal</p>

AMENDMENTS OF THE JUDICIARY ORDINANCE 1957-1965

Sections amended	Amendments
3.	<p>(a) Omit - "Part I. - Preliminary (Sections 1-7).", insert - "Part I. - Preliminary (Sections 1-6)."</p> <p>(b) Omit - "Division 4. - The Court of Appeal (Sections 26-32).", insert - "Division 4. - The Court of Appeal (Sections 29-32)."</p>
5.	<p>Omit the definitions of "the Central Court", "the Court of Appeal", and "the District Court", insert the following definition:- " 'the Act' means the <u>Nauru Act 1965</u>;"</p>
6.	<p>Omit sub-section (1.), insert the following sub-section:- "(1.) In relation to anything done, or required or permitted to be done after the commencement of this sub-section, a reference in a law in force in the Territory to the District Court or to a magistrate of that Court shall be read as a reference to the District Court continued in existence by section fifty-three of the Act, or a magistrate of that Court, respectively."</p>
7.	<p>Repeal</p>
8 and 9.	<p>Repeal, insert the following section:- "8. The Administrator may establish a Registry for the Court of Appeal, for the Central Court and for the District Court."</p>

Sections amended	Amendments
10	Omit sub-section (1.), insert the following sub-section:- "(1.) The Administrator may appoint a Registrar and such other officers as are necessary for the Court of Appeal, for the Central Court and for the District Court."
12	Omit sub-section (2.)
14	Omit sub-section (2.), insert the following sub-section:- "(2.) A magistrate appointed after the commencement of this sub-section shall, before proceeding to discharge the duties of his office, take before the Administrator, or a person authorized by the Administrator for the purpose, an oath or affirmation in accordance with the form in the Sixth Schedule to the Act."
19	Omit sub-sections (1.) and (2.), insert the following sub-section:- "(2.) Subject to sub-section (3.) of section forty-nine of the Act, the jurisdiction of the Central Court is exercisable - (a) by the judge of the Central Court appointed under the Act; or (b) by magistrates of the Central Court not being less than three in number, appointed under the Act, in accordance with the directions of the Administrator in each particular case."
20 and 21	Repeal
22	From paragraph (d) omit "or under an Ordinance", insert "a law in force in the Territory"
24	After "Subject to", insert "the Act and to"
26 to 28 (inclusive)	Repeal

Sections amended	Amendments
29	From paragraph (b) omit "or under Ordinance", insert "a law in force in the Territory"
39	<p>(a) At the end of sub-section (2.) add the following word and paragraph:-</p> <p style="padding-left: 40px;">"; and (c) proceedings not included in the last two preceding paragraphs in relation to matters involving the interpretation of the Act."</p> <p>(b) From sub-section (3.) omit "an Ordinance", insert "a law in force in the Territory"</p> <p>(c) From sub-section (3.) omit "Ordinance", (second occurring), insert "law"</p>
45.	Omit sub-section (3.)
48.	<p>Repeal, insert the following section:-</p> <p style="padding-left: 40px;">"48. In this Part, unless the contrary intention appears, 'court' means a court established, or continued in existence, by the Act."</p>
The Schedules	Repeal

THIRD SCHEDULE

CITATION OF ORDINANCES

Section 5

First Column	Second Column
<u>Chinese and Native Labour Ordinance 1922-1964</u>	<u>Chinese and Native Labour Ordinance 1922-1966</u>
<u>Criminal Procedure Ordinance 1957</u>	<u>Criminal Procedure Ordinance 1957-1966</u>
<u>Interpretation Ordinance 1958-1965</u>	<u>Interpretation Ordinance 1956-1966</u>
<u>Native Administration Ordinance 1922</u>	<u>Native Administration Ordinance 1922-1966</u>
<u>Nauru Local Government Council Ordinance 1951-1965</u>	<u>Nauru Local Government Council Ordinance 1951-1966</u>
<u>Nauruan Housing Ordinance 1957</u>	<u>Nauruan Housing Ordinance 1957-1966</u>
<u>Oaths Ordinance 1912-1956</u>	<u>Oaths Ordinance 1912-1966</u>
<u>Suspension of Sentences Ordinance 1921</u>	<u>Suspension of Sentences Ordinance 1921-1966</u>