

REPUBLIC OF KIRIBATI  
(No. 4 of 1981)

I assent,

*U. Tebai*  
Beretitenti.  
29th Dec, 1981.

AN ACT TO AMEND THE MAGISTRATES' COURTS  
ORDINANCE (Cap. 52).

Commencement:  
*29th December, 1981.*

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title.

1. This Act may be cited as the Magistrates' Courts (Amendment) Act, 1981.

Amends section  
7 of Cap. 52.

2. Section 7(1) of the Magistrates' Courts Ordinance, (in this Act called "the principal Ordinance"), is amended by the addition of the following proviso -

" Provided that if the post of presiding magistrate is vacant, or if the presiding magistrate fails to attend any sitting of the court, the magistrate next in seniority according to his date of appointment as a magistrate shall act as presiding magistrate until a new presiding magistrate is appointed or for that sitting of the court."

Amends section  
75 of Cap. 52.

3. Section 75 of the principal Ordinance is amended by repealing subsection (2).

Amends section  
76 of Cap. 52.

4. Section 76(1) of the principal Ordinance is amended by repealing the words "at least four magistrates" and substituting the words "at least two magistrates".

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 26th November 1981, and is found by me to be a true and correctly printed copy of the said Bill.

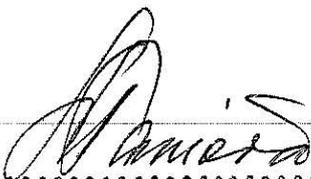
*James*  
.....  
Clerk to the Maneaba  
ni Maungatabu.

Published by exhibition -

(a) at the Public Office of the Beretitenti on  
1981

.....  
Secretary to the Cabinet

(b) at the Maneaba ni Maungatabu on  
*29th December* 1981.

  
.....  
Clerk to the Maneaba ni  
Maungatabu.

MAGISTRATES' COURTS (AMENDMENT) BILL, 1981

Explanatory Memorandum

This Bill to amend the Magistrates' Courts Ordinance (Cap. 52) has two purposes -

(1) At each magistrates' court, one of the magistrates is designated Presiding Magistrate. If for any reason the Presiding Magistrate is unavailable, one of his colleagues acts on his behalf. Although the obvious and sensible solution to the situation, there is no provision for it in the Ordinance. It is considered that the practice should be regularised, and section 2 of the Bill makes the necessary provision.

(2) By sections 75 and 76 of the Ordinance, when the High Court deals with land appeals, it must consist of the Chief Justice sitting with at least 4 magistrates from the Lands Magistrates Appeals Panel. The Chief Justice believes that it is the wish of the people that the Court should sit on the island where the land under consideration is situated. There are, however, considerable difficulties in obtaining the necessary number of seats on Air Tungaru for the members of the court, plus the Registrar and the Chief Justice's orderly. Furthermore, when such a large party does travel, there is inevitable inconvenience to members of the public trying to book seats. There must also be considered the expense involved. For all these reasons, the Chief Justice has requested that the necessary number of magistrates should be reduced and has advised that in his opinion 2 will be adequate. Sections 3 and 4 of the Bill provide the necessary amendments to sections 75 and 76 of the Ordinance.

Michael Jennings  
Attorney General

LEGAL REPORT

I hereby certify my opinion that none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

Roger Lawrence Davey  
Attorney General  
9 December 1981