



REPUBLIC OF NAURU

BAIL (AMENDMENT) ACT 2022

No. 6 of 2022

An Act to amend the *Bail Act 2018*.

Certified: [8th June 2022]

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Bail (Amendment) Act 2022*.

2 Commencement

This Act commences on certification by the Speaker

3 Amendment of the Bail Act 2018

The *Bail Act 2018* is amended by the provisions of this Act.

4 Amendment of long title

The long title is amended by deleting the words '*a person who is accused of an offence*' and substituting with '*an accused person*'.

5 Amendment of Section 3

Section 3 is amended:

- (a) by deleting the definition of '**accused person**' or '**person accused of an offence**' and substituting with:

'accused person' means a person who has been charged with an offence and:

(a) who is awaiting trial before the District Court or the Supreme Court;

(b) whose trial has commenced and adjourned for continuation, judgment, decision or order or for sentencing;'; and

- (b) by deleting the definition of '**bail**' and substituting with:

'bail' for an accused person means authorisation for the person to be at liberty instead of in custody, on the condition that the person appears for trial, sentence, hearing of an application or appeal relating to the offence, or an adjournment of any of those matters, and includes bail granted by a police officer;'

6 Insert new Section 4C

A new Section 4C is inserted immediately after Section 4B as follows:

'4C Bail for child who is an accused person

(1) Bail shall be granted to a child who is an accused person unless:

(a) he or she has a previous conviction;

(b) he or she has previously breached a bail undertaking or bail condition;

(c) *he or she is charged with an offence referred to in Section 4A;*
or

(d) *he or she is incapacitated by intoxication, injury or use of a drug*
or is in danger of physical injury, or in need of protection.

(2) *This provision applies notwithstanding the Child Welfare and Protection Act 2016.*

(3) *The Cabinet may by Notice in the Gazette, designate a place for the remanding of a child in custody.*

7 Amendment of Section 6

Section 6 is amended:

(a) in subsection (2) by:

- (i) deleting the words '*A person accused of an offence*' and substituting with '*An accused person*'; and
- (ii) inserting in paragraph(a)(i), (ii) and (iii) the word '*accused*' before the word '*person*' or '*person's*' where ever occurring; and

(b) in subsection (3) by:

- (i) deleting the words '*A person*' and substituting with '*An accused person*'; and
- (ii) inserting '*accused*' before the word '*person*' .

8 Amendment of Section 8

Section 8(1) is amended by deleting the words '*a person accused of an offence*' and substituting with '*an accused person*'.

9 Amendment of Section 9

Section 9(2) is amended:

- (a) by deleting the words '*a person accused of an offence*' before '*if:*' and substituting with '*an accused person*'; and
- (b) in paragraph (b), by deleting '*arrested, or is being investigated, or has been*' before the words '*charged for an offence*'.

10 Amendment of Section 10

Section 10 is amended:

- (a) in paragraph (a), by inserting the word '*accused*' before the words '*person*' or '*person's*'; and

(b) in paragraphs (b) and (c), by inserting the word '*accused*' before the word 'person' where ever occurring.

11 Amendment of Section 11

Section 11 is amended by inserting the word '*accused*' as follows:

(a) in paragraph (a), before the word '*person*' where it is second, third and fourth occurring; and

(b) in paragraph (b), before the word '*person*' where ever occurring.

12 Amendment of Section 12

Section 12 is amended by inserting the word '*accused*' before the word '*person*' where it is second occurring.

13 Amendment of Section 13

Section 13(1)(a) is amended by deleting '*a person, accused of an offence and*' and substituting with '*an accused person*'.

14 Amendment of Section 14

Section 14 is amended:

(a) in subsection (2)(a), by inserting '*accused*' before the word '*person's*';

(b) in subsection (4), by deleting '*a person charged for an offence*' and substituting with '*an accused person*' and by inserting the word '*accused*' before the word '*person*' where it is second and third occurring;

(c) in subsection (5), by inserting the word '*accused*' before the word '*person*' where ever occurring; and

(d) in subsection (7), by:

(i) inserting the word '*accused*' before the word '*person*' where first occurring; and

(ii) deleting the words '*the person*' where second occurring and substituting with '*he or she*'.

15 Amendment of Section 16

Section 16 is amended:

(a) in subsection (1):

(i) by deleting '*A person*' and substituting with '*An accused person*'; and

(ii) by deleting '*the person's*' and substituting with '*his or her*';

- (b) in subsection (2), by deleting 'A person' and substituting with 'An accused person';
- (c) in subsection (3), by deleting 'a person' and substituting with 'an accused person';
- (d) in subsection (4), by deleting the words 'the person' and substituting with 'he or she'; and
- (e) in subsection (5), by inserting the word 'accused' before 'person' where it is second occurring.

16 Amendment of Section 17

Section 17(3) is amended:

- (a) by deleting the words 'a person' and substituting with 'an appellant';
- (b) by deleting the words 'or sentence,' and substituting with ', sentence or both,'; and
- (c) in paragraph (c), by deleting the word 'applicant' and substituting with 'appellant'.

17 Amendment of Section 19

Section 19 is amended:

- (a) in subsection (2)(a)(ii),(v),(vi), by inserting the word 'accused' before 'person';
- (b) in subsection (2)(b):
 - (i) subparagraphs (i), (iii), (iv), (v) and (vi) by inserting the word 'accused' before 'person'; and
 - (iii) subparagraph (v), by deleting the word 'minor' and substituting with 'child' and deleting the number '4' and substituting with '4C'; and
- (c) in subsection (2)(c)(ii), by inserting the word 'accused' before 'person' where first occurring.

18 Amendment of Section 21

Section 21 is amended:

- (a) in subsection (1), by deleting the words 'A person' and substituting with 'An accused person' and inserting the word 'accused' before 'person';
- (b) in subsection (1)(c), by inserting the word 'accused' before the word 'person'; and
- (c) in subsection (3), by inserting the word 'accused' before the word 'person's'.

19 Amendment of Section 22

Section 22 is amended:

- (a) in subsection (1)(b), by inserting the word '*person*' after '*the accused*'; and
- (b) in subsection (7)(a), by inserting the word '*person*' after '*the accused*'.

20 Amendment of Section 25

Section 25 is amended

- (a) in subsection (2), by inserting the word '*accused*' before the word '*person*' where it is second occurring; and
- (b) in subsection (3), by inserting the word '*accused*' before the word '*person*' where it is second occurring, and before the word '*person's*'.

21 Amendment of Section 26

Section 26 is amended:

- (a) in subsection (2), by deleting the words '*A person*' and substituting with '*An accused person*' and in paragraph (b), by inserting the word '*accused*' before the word '*person*'; and
- (b) in subsection (3), by deleting the words '*A person*' and substituting with '*An accused person*'.

22 Amendment of Section 27

Section 27(1) is amended by deleting the words '*A person*' and substituting with '*An accused person*'.

23 Amendment of Section 28

Section 28 is amended:

- (a) in subsection (2), by deleting the words '*a person*' and substituting with '*an accused person*' and in paragraph (a), by inserting '*accused*' before '*person*'; and
- (b) in subsection (4), by inserting the word '*person*' before the words '*had reasonable cause*'.

24 Amendment of Section 29

Section 29(2)(b) is amended by inserting the word '*accused*' before the word '*person's*'.

25 Amendment of Section 32

Section 32(1) is amended by inserting the word '*accused*' before the word '*person*'.