



REPUBLIC OF NAURU

NAURU POLICE FORCE (AMENDMENT) ACT 2022

No. 16 of 2022

An Act to amend the *Nauru Police Force Act 1972*.

Certified: [8th June 2022]

Table of Provisions

1	Short title.....	2
2	Commencement.....	2
3	Amendment of the Nauru Police Force Act 1972.....	2
4	Amendment of Section 2.....	2
5	Amendment of Section 5.....	2
6	Amendment of Section 6.....	3
7	Amendment of Section 15.....	3
8	Insert new Section 15A.....	3
9	Amendment of Section 37.....	3
10	General amendment as to reference.....	3
11	Savings and transition.....	3

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Nauru Police Force (Amendment) Act 2022*.

2 Commencement

This Act commences on 10 June 2022.

3 Amendment of the Nauru Police Force Act 1972

The *Nauru Police Force Act 1972* is amended by the provisions of this Act.

4 Amendment of Section 2

Section 2 is amended by deleting the definition of **‘police officer’** and substituting as follows:

‘ ‘police officer’ means an officer appointed under Sections 6 and 7 which includes the Commissioner, Deputy Commissioner, Superintendent, inspector, non-commissioned officer, constable, constable cadet or reserve officer;’.

5 Amendment of Section 5

Section 5 is amended:

(a) by deleting and substituting subsection (1) as follows:

‘(1) There shall be a Police Service Board which shall consist of:

(a) a person qualified to be appointed as a Judge of the Supreme Court to be appointed by the Cabinet, who shall be Chairperson;

(b) the Chief Secretary; and

(c) a person elected by the officers of the Force in accordance with subsection (2).’

(b) in subsection (3), by deleting the words:

(i) *‘the Chief Justice and’* before ‘the Chief Secretary’; and

(ii) *‘Chief Justice’* where it is second and third occurring and substituting with *‘Chairperson’*;

(c) in subsection (5), by deleting ‘A’ and substituting with *‘The Chairperson or a’*;

(d) in subsection (6), by deleting the words *‘Chief Justice’* and substituting with *‘Chairperson’*; and

(e) by inserting a new subsection (7) as follows:

'(7) For the avoidance of doubt, the reference made to 'Chairman' in the Constitution has the corresponding meaning to 'Chairperson of the Board' under this Act.'

6 Amendment of Section 6

Section 6 is amended by deleting subsections (6) and (7).

7 Amendment of Section 15

Section 15 is amended by deleting '*Provided that the provisions of this Section shall not prevent a police officer from holding the office of a member of Parliament if he or she is elected thereto*'.

8 Insert new Section 15A

Section 15A is inserted immediately after Section 15 as follows:

'Section 15A Election candidates, resignation and re-employment

(1) A police officer who intends to contest in an election shall resign from the Force pursuant to Section 59 of the Electoral Act 2016.

(2) A police officer who resigns in compliance with Section 59 of the Electoral Act 2016 may apply to be re-employed in the Force, if he or she:

(a) is a candidate at an election and fails to be elected at such election;

(b) applies in writing to the Commissioner for re-employment in the Force not earlier than 30 days from the first sitting of the Parliament after the election; and

(c) gives a written undertaking that he or she does not intend to challenge the results of the election.'

9 Amendment of Section 37

Section 37(2) is amended by deleting the words '*Chief Justice*' and substituting with '*Chairperson of the Board*'.

10 General amendment as to reference

A reference to '*Chief Justice*' in regulations, rules or orders made under this Act or any other written law relating to the Police Service Board is deleted and substituted, where appropriate, with '*Chairperson of the Police Service Board appointed under Article 69(2)(a) of the Constitution*'.

11 Savings and transition

(1) For the purposes of Section 5, the Board is deemed to be re-constituted as follows:

- (a) the Chairperson to be appointed by the Cabinet;
 - (b) the Chief Secretary continues to be a member; and
 - (c) a person elected by the officers of the Force continues to be a member until the expiry of his or her term.
- (2) The member of the Board appointed by the Cabinet and the member appointed by the Chief Justice under the repealed Section 5(1), shall be deemed to have resigned from the Board and for all intents and purposes, shall no longer be members of or perform any functions and powers of the Board, at the commencement of this Act.
- (3) Any directions given to the parties to an appeal by the Board with Chief Justice sitting as the Chairperson, shall be complied with by the parties and the appeal shall proceed to be heard by the Board constituted under this Act.
- (4) Any decision of the Board, in which the Chief Justice presided as the Chairperson, shall be delivered within 30 days of the coming into effect of this Act, otherwise the appeal be heard *de novo*.