

REPUBLIC OF NAURU

CRIMINAL PROCEDURE ACT 1972

CRIMINAL PROCEDURE (FORMS) RULES 1972

IN EXERCISE of the powers conferred on me by section 217 of the Criminal Procedure Act 1972, I hereby make the following Rules -

1. These Rules may be cited as the Criminal Procedure (Forms) Rules 1972.
2. The forms set out in the Schedule to these Rules shall be used in criminal proceedings before the Courts with such variation as the circumstances of each case require.

Made at Yaren this 27th day of November, 1972.

I. R. Thompson

Chief Justice

SCHEDULE

LIST OF FORMS IN THIS SCHEDULE

1. Complaint
2. Charge (private complaint)
3. Charge (complaint by public officer)
4. Summons to accused
5. Summons to accused
6. Warrant to arrest accused in the first instance
7. Notice to attend Court
8. Warrant to arrest accused where notice or summons is disobeyed
9. Bail recognizance
10. Summons to witness
11. Warrant to arrest a witness who has disobeyed a summons
12. Warrant of committal for safe custody after arrest
13. Warrant of committal for safe custody on adjournment of hearing
14. Warrant to arrest accused who has not attended after adjournment
15. Warrant of committal on a conviction where the sentence is imprisonment
16. Warrant of committal on conviction where the sentence in default of payment of a fine is imprisonment
17. Warrant of distress for a fine
18. Warrant of committal in default of distress for a fine
19. Recognizance for keeping the peace
20. Recognizance to appear and receive sentence
21. Warrant of committal for safe custody on committal for trial
22. Recognizance of bail on committal for trial
23. Information to obtain a search warrant (under section 75 of the Act)

24. Search warrant (under section 75 of the Act)

FORM NO. CRIM/1

CRIMINAL PROCEDURE ACT 1972

(Section 51)

COMPLAINT

In the District Court.

..... of makes complaint to the
undersigned magistrate that of did on the day of
..... 19... at in Nauru

(a)

Taken (or sworn) at the day of, 19..., before me.

Magistrate.

(a) State the facts alleged to
constitute the offence complained of

FORM NO. CRIM/2

CRIMINAL PROCEDURE ACT 1972

(Section 51)

CHARGE

(Private Complaint)

In the District Court.

Criminal Case No.

(a) of (b)
is charged on the complaint of with the following offence -

Statement of Offence (c)

Particulars of Offence (d)

Dated the day of, 19... .

Magistrate.

- (a) Full name
- (b) Full address and occupation
- (c) Offence with written law and section alleged to be contravened
- (d) Name or names of accused and brief particulars of offence in ordinary language

Note - This form is for use for charge on private complaint only.

FORM NO. CRIM/3

CRIMINAL PROCEDURE ACT 1972

(Section 51)

CHARGE

(Complaint by Public Officer)

In the District Court.

Criminal Case No.

Statement of Offence (a)

Particulars of Offence (b)

Sworn before me (c)

Dated the day of, 19... .

Magistrate.

- (a) Offence with written law and section alleged to be contravened
- (b) Name or names of accused and brief particulars of offence in ordinary language
- (c) Strike out if not made on oath
- (d) Signature of complainant with rank, if a police officer, or office.

Note - This form is for use for charge on complaint by a public officer only.

FORM NO. CRIM/4

CRIMINAL PROCEDURE ACT 1972

(Sections 52 and 54)

SUMMONS TO ACCUSED

In the District Court.

Criminal Case No.

To (a)..... of (b)

You are hereby commanded to attend at a.m.*/p.m. on theday of 19...., in the District Court at the Court House at Yaren there to answer the following charge made on the complaint of (a) of (b)

Statement of Offence (c)

Particulars of Offence (d)

and be dealt with according to law.

Dated the day of, 19.... .

Magistrate.

- (a) Full name
 - (b) Full address and occupation
 - (c) Brief statement of offence with written law and section alleged to be contravened, as stated in the charge.
 - (d) Brief particulars of offence in ordinary language, as stated in the charge.
- * Delete whichever is not applicable.

FORM NO. CRIM/5

CRIMINAL PROCEDURE ACT 1972

(Sections 54 and 61)

SUMMONS TO ACCUSED

Criminal Case No.

To (a) of (b)

You are hereby commanded to attend at a.m.*/p.m. on the day of 19...., in the District Court at the Court House at Yaren there to answer the charge set out hereunder and be dealt with according to law:

Provided that your personal attendance will be excused and the case may then be disposed of in your absence if -

- (i) you admit the offence and plead guilty in writing; or
- (ii) you attend by a barrister and solicitor or a pleader.

Statement of Offence (c)

Particulars of Offence (d)

You are warned that -

- (1) If your personal attendance has been excused any fine which may be imposed upon you must be paid within eight days from the date shown above.
- (2) You will NOT receive notification from the Court of any fine which may have been imposed but it is your duty to make inquiry in that respect from the Court. If you fail to pay any such fine within the time allowed or to apply to the Court for an extension of time for payment of the fine you will be liable without further warning to be committed to prison forthwith for such terms as the Court may have lawfully ordered.
- (3) If you do not attend at the time and place stated above, you shall be deemed to have consented to the charge being heard and determined in your absence.

Dated the day of, 19..... .

Magistrate.

Note - This form must be used -

- (a) in all cases in which the offence is punishable only by fine or by imprisonment not exceeding three months, whether or not any disqualification may be ordered or may result from the accused being convicted, and
- (b) in any other case in which the magistrate thinks fit to dispense with the personal attendance of the accused.

- (a) Full name.
- (b) Full address and occupation.
- (c) Brief statement of offence with written law and section alleged to be contravened, as stated in the charge.
- (d) Brief particular of offence in ordinary language, as stated in the charge.

* Delete whichever is not applicable.

FORM NO. CRIM/6

CRIMINAL PROCEDURE ACT 1972

(Section 52)

WARRANT TO ARREST ACCUSED IN THE FIRST INSTANCE

In the District Court.

Criminal Case No.

Warrant No.

To all Police Officers in Nauru.

These are to command you to arrest and bring before the District Court at the Court House at Yaren (a) of (b) to be dealt with according to law on the following charge made on the sworn complaint of (a) of (b)

Statement of Offence (c)

Particulars of Offence (d)

Dated the day of, 19....

Magistrate.

(a) Name.

(b) Full address and occupation.

(c) Brief statement of offence with written law and section alleged to be contravened as stated in the charge.

(d) Brief particulars of offence in ordinary language, as stated in the charge.

FORM NO. CRIM/7

CRIMINAL PROCEDURE ACT 1972

(Section 53)

NAURU POLICE FORCE

NOTICE TO ATTEND COURT

To (a) of (b)

You are hereby required to attend the District Court at the Court House at Yaren at 9 a.m. on the day of 19.... to answer the charge set out hereunder:

Provided that your personal attendance will be excused and the case may then disposed of in your absence if -

- (a) you admit the offence and plead guilty in writing; or
- (b) you attend by a barrister and solicitor or a pleader.

Statement of Offence (c)

Particulars of Offence (d)

(1) If you wish to enter a written plea of guilty you may do so on this form. This form should then be returned to the Officer in Charge of the Police Station as soon as possible by registered post or personally.

(2) You are warned that -

(a) If your personal attendance has been excused any fine which may be imposed upon you must be paid within eight days from the date shown above;

(b) You will NOT receive notification from the Court of any fine which may have been imposed but it is your duty to make inquiry in that respect from the Court. If you fail to pay any such fine within the time allowed or to apply to the Court for an extension of time for payment of the fine you will be liable without further warning to be committed to prison forthwith for such term as the magistrate may have lawfully ordered.

Signed:.....
 Rank:.....
 Date:.....

- (a) Name
- (b) Full address and occupation
- (c) Brief statement of offence with written law and section contravened
- (d) Brief particulars of offence in ordinary language

WRITTEN PLEA OF GUILTY

I being the person named above hereby enter a plea of guilty to the charge specified.

(Signed) Date:

(On reverse side - Affidavit of Service)

AFFIDAVIT OF SERVICE

I (a) of (b) make oath and say that I did on the day of, 19..., serve on (c) of (d) at (e) a notice of which the notice on the front of this form is a true copy.

Sworn by me at

this day)
of, 19

Magistrate or
Commissioner for Oaths

- (a) Full name of officer.
- (b) Rank of officer.
- (c) Full name of accused.
- (d) Address of accused.
- (e) Place of service.

FORM NO. CRIM/8

CRIMINAL PROCEDURE ACT 1972

(Sections 53 and 62)

**WARRANT TO ARREST ACCUSED WHERE NOTICE OR SUMMONS IS
DISOBEYED**

In the District Court.

Criminal Case No.

Warrant No.

To all Police Officers in Nauru.

Whereas on the day of, 19....., on the complaint of (a)
of (b) (a) of (b) hereinafter called the
accused was summoned */notified to attend before the District Court at the Court House at
Yaren, at a.m.*/p.m. on the day of, 19..., to answer the
following charge:-

Statement of Offence (c)

And whereas an oath has been made that the accused was duly served with the
summons*/notified but did not attend.

These are therefore to command you to arrest the accused and bring him before the District
Court at Yaren to answer the said charge and be dealt with according to law.

Dated the day of, 19..... .

Magistrate.

(a) Full name

- (b) Full address, and occupation.
- (c) Brief statement of offence, with written law and section alleged to be contravened, as stated in the charge or on the notice.
- * Delete whichever is not applicable.

FORM NO. CRIM/9

CRIMINAL PROCEDURE ACT 1972

(Sections 21 and 80)

BAIL RECOGNIZANCE

In the (Supreme Court
*(District Court

On the day of, 19...., of
(hereinafter called "the principal"), of and of
(hereinafter called "the surety (sureties)"), severally acknowledged themselves to owe to the Republic the several sums following, that is to say the principal the sum of dollars and the surety (sureties each) the sum of dollars, to be paid by them if the principal shall fail in the condition hereunder written.

The condition is that if the principal shall personally attend on the day of, 19...., at o'clock in the noon in the Supreme Court*/District Court at the Court House at Yaren to answer an information filed by the Director of Public Prosecutions*/a charge made on the complaint of and shall continue to attend from day to day and at each adjournment of the said Court and not to depart therefrom without leave this bond shall be void.

Principal
Surety.
Surety.

Registrar*/Magistrate*/Police Officer

*Delete whichever is not applicable.

FORM NO. CRIM/10

CRIMINAL PROCEDURE ACT 1972

(Section 100)

SUMMONS TO WITNESS

In the (Supreme Court
*(District Court

Criminal Case No.

To of

Whereas a charge has been made on the complaint of of that of did commit the following offence -

Statement of Offence

Particulars of Offence

and it is believed that you are able to give material evidence therein;

You are therefore hereby summoned to attend before the Supreme Court*/District Court at the Court House at Yaren at a.m.*/p.m. on the day of19..... to testify what you know in the matter +/-and also to bring with you and produce at the time and place aforesaid (a)

Dated the day of, 19.... .

Registrar*/Magistrate

(a) Specify documents to be produced

* Delete whichever is not applicable

+ Delete if not applicable

FORM NO. CRIM/11

CRIMINAL PROCEDURE ACT 1972

(Section 100)

WARRANT TO ARREST A WITNESS WHO HAS DISOBEYED A SUMMONS

In the (Supreme Court
*(District Court

Criminal Case No.

Warrant No.

To all Police Officers in Nauru.

..... of not having attended in obedience to a summons requiring his attendance on the day of 19... at the Supreme Court */District Court at the Court House at Yaren to give evidence in the above Criminal Case.

These are therefore to command you to arrest and bring before the Supreme Court*/District

Court at a.m.*/p.m. on the day of 19..... the said to be dealt with according to law.

Dated the day of, 19

Judge*/Magistrate.

* Delete whichever is not applicable.

FORM NO. CRIM/12

CRIMINAL PROCEDURE ACT 1972

(Section 21)

WARRANT OF COMMITTAL FOR SAFE CUSTODY AFTER ARREST

In the District Court.

Warrant No.

To all Police Officers in Nauru and to the Superintendent of the Nauru Prison.

..... of having been brought before the District Court to answer the following charge:-

Statement of Offence

These are therefore to command you the said Police Officers to convey and deliver the said to the Superintendent of the Nauru Prison who is hereby directed safely to keep him until the day of, 19....., and then have him before the District Court at the Court House at Yaren at a.m.*/p.m.

The said *may be released on bail in the sum of dollars with surety*/sureties in the sum of dollars*/without surety to attend before the District Court at the Court House at Yaren at o'clock in the noon on the day of 19 */may not be released on bail.

Dated the day of, 19.....

Magistrate.

* Delete whichever is not applicable.

FORM NO. CRIM/13

CRIMINAL PROCEDURE ACT 1972

(Section 154)

WARRANT OF COMMITTAL FOR SAFE CUSTODY ON ADJOURNMENT OF HEARING

In the District Court.

Criminal Case No.

Warrant No.

To all Police Officers in Nauru and to the Superintendent of the Nauru Prison.

Whereas the hearing of a charge against has been adjourned to the day of at a.m.*/p.m. in the District Court at the Court House at Yaren.

These are therefore to command you the said Police Officers to convey and deliver the said to the Superintendent of the Nauru Prison who is hereby directed safely to keep him until the said day of and then have him before the District Court at the said time and place.

The said *may be released on bail in the sum of dollars with surety*/sureties in the sum of dollars*/without surety to attend before the District Court at the Court House at Yaren at a.m.*/p.m. on the day of 19.... */may not be released on bail.

Dated the day of, 19... .

Magistrate.

* Delete whichever is not applicable.

FORM NO. CRIM/14

CRIMINAL PROCEDURE ACT 1972

(Section 155)

WARRANT TO ARREST ACCUSED WHO HAS NOT ATTENDED AFTER ADJOURNMENT

In the District Court.

Criminal Case No.

Warrant No.

To all Police Officers in Nauru.

Whereas on the day of, 19...., of hereinafter called the accused, attended before the District Court at the Court House at Yaren to answer a charge made on the complaint of of that he the said accused did commit the following offence(s):-

Statement of Offence

and the hearing of the said charge was adjourned to the day of, 19...., at a.m.*/p.m. in the District Court at the Court House at Yaren at which time and place the accused failed to attend.

These are therefore to command you the said Police Officers to arrest the accused and bring him forthwith before the District Court at the Court House at Yaren.

Dated the day of, 19.... .

Magistrate.

FORM NO.CRIM/15

CRIMINAL CODE

(Section 18)

WARRANT OF COMMITTAL ON A CONVICTION WHERE THE SENTENCE IS IMPRISONMENT

In the (Supreme Court
*(District Court

Criminal Case No.

Warrant No.

To all Police Officers in Nauru and to the Superintendent of the Nauru Prison.

Whereas late of was this day convicted by the Supreme Court*/District Court of the following offence(s): -

Statement of Offence

and it was thereby adjudged that the said for his offence(s) should be imprisoned for the period of

These are therefore to command you the said Police Officers to take the said

and convey him to the Nauru Prison and deliver him to the Superintendent thereof who is hereby directed to imprison him for the period of

Dated the day of, 19... .

Judge*/Magistrate.

* Delete whichever is not applicable.

FORM NO. CRIM/16

CRIMINAL CODE

(Section 19A)

WARRANT OF COMMITTAL ON A CONVICTION WHERE THE SENTENCE IN DEFAULT OF PAYMENT OF A FINE IS IMPRISONMENT

In the * (Supreme Court
(District Court

Criminal Case No.

Warrant No.

To all Police Officers in Nauru and to the Superintendent of the Nauru Prison.

Whereas late of (hereinafter called the accused) was on the day of, 19....., convicted by the Supreme Court*/District Court of the following offence(s):-

Statement of Offence

and it was thereby adjudged that the accused should for such his offence(s) pay a fine of and costs or in default of payment be imprisoned for the period of

And whereas the accused has made default as follows:

These are therefore to command you the said Police Officers to convey and deliver the said accused to the Superintendent of the Nauru Prison who is hereby directed to imprison him the said accused for the period of unless he shall sooner pay the following sums of money:-

Fine \$

Costs \$

Warrant issuing fee \$

Total:

Dated the day of, 19.... .

Judge*/Magistrate

* Delete whichever is not applicable

FORM NO. CRIM/17

CRIMINAL CODE

(Section 19B)

WARRANT OF DISTRESS FOR A FINE

In the (Supreme Court
*(District Court

Criminal Case No.

Warrant No.

To the Director of Police.

Whereas late of was on the day of convicted before the Supreme Court*/District Court of the following offence(s):-

Statement of Offence

Particulars of Offence

and it was thereby adjudged that the said should for his offence pay a fine of and should also pay to the sum of for costs; and being required to pay the said sums of and he has not paid the same but therein has made default;

These are therefore to command you forthwith to make distress of the goods and chattels of the said and if within the period of days next after the making of such distress the said sums together with the reasonable charges of taking and keeping the distress shall not be paid that you do sell the said goods and chattels so by you distrained [sic] and do pay the money arising by such sale to me */the Clerk of the District Court at Yaren that I*/he may pay and apply the same as by law directed and may render the surplus if any on demand to the said and if no such distress can be found then that you certify the same to the Supreme Court*/District Court so that further proceedings may be had

therein in accordance with the law.

Dated the day of, 19.... .

Registrar*/Magistrate.

* Delete whichever is not applicable.

Amount adjudged:-

Fine	\$
Costs	\$ _____
	\$
Less Paid	\$ _____
	\$
Warrant issuing fee	\$ _____
Amount to be levied	\$

And, in addition, the charges of taking and keeping the distress \$

RETURN

FORM NO. CRIM/18

CRIMINAL CODE

(Section 19D)

WARRANT OF COMMITTAL IN DEFAULT OF DISTRESS FOR A FINE

In the (Supreme Court
*(District Court

Criminal Case No.

Warrant No.

To all Police Officers in Nauru and to the Superintendent of the Nauru Prison.

Whereas late of (hereinafter called the accused) was on the day of

....., 19,convicted by the Supreme Court */District Court of the following offence(s):-

Statement of Offence

and it was thereby adjudged that the accused should for such his offence(s) pay a fine of and for costs or in default of payment be imprisoned for the period of

And whereas on the day of, 19....., a distress warrant was issued for levying the said sum(s) but no sufficient distress whereon to levy the same could be found*/it appears that distress and sale of the accused's property would be ruinous to him or his family.

These are therefore to command you the said Police Officers to convey and deliver the said accused to the Superintendent of the Nauru Prison who is hereby directed to imprison him for the period of unless he shall sooner pay the following sums of money:-

Fine\$
Costs.....\$
Expenses of Distress.....\$
Warrant of issuing fee.....\$

Total:

Dated theday of, 19.....

Registrar*/Magistrate

*Delete whichever is not applicable.

FORM NO. CRIM/19

CRIMINAL PROCEDURE ACT 1972

(Section 34)

CRIMINAL CODE

(Section 18)

RECOGNIZANCE FOR KEEPING THE PEACE

In the (Supreme Court
*(District Court

Criminal Case No.

We the undersigned severally acknowledge ourselves to owe to the Republic the several sums following namely of as principal the sum of

..... dollars and of as surety the sum of
..... dollars payment thereof to be enforced severally against us by due process of
law if the said principal fail in the condition endorsed hereon.

..... Principal

..... Surety

Taken before me the day of, 19.... .

Registrar*/Magistrate.

CONDITION

The condition of the above recognizance is such that if the above bounden principal shall
keep the peace and be of good behaviour towards the Republic and all people in Nauru for a
term of now next ensuing then the said recognizance shall be void but
otherwise shall remain in full force.

* Delete whichever is not applicable.

FORM NO. CRIM/20

CRIMINAL CODE

(Section 19)

RECOGNIZANCE TO APPEAR AND RECEIVE SENTENCE

In the (Supreme Court
*(District Court

Criminal Case No.

We the undersigned severally acknowledge ourselves to owe to the Republic the several sums
following namely of as principal the sum of
dollars and of and of as sureties
the sums of dollars each, payment thereof to be enforced severally against us
by due process of law if the said principal fail in the condition hereon endorsed.

..... Principal

..... Surety

..... Surety

Taken before me this day of, 19.... .

Registrar*/Magistrate.

CONDITION

The condition of the above recognizance is such that if the above bounden principal who was on the day of, 19...., convicted by the Supreme Court*/District Court of the offence of contrary to section of the Criminal Code shall appear before the Supreme Court*/District Court at Yaren to receive sentence when called upon at any time during the period of now next ensuring and in the meantime keep the peace and be of good behaviour and comply with the further conditions, if any, set out hereunder then the said recognizance shall be void but otherwise remain in full force.

FURTHER CONDITIONS

* Delete whichever is not applicable.

FORM NO. CRIM/21

CRIMINAL PROCEDURE ACT 1972

(Section 170)

WARRANT OF COMMITTAL FOR SAFE CUSTODY ON COMMITTAL FOR TRIAL

In the District Court.

Criminal Case No.

To all Police Officers in Nauru and to the Superintendent of the Nauru Prison.

Whereas of was this day charged before me with the following offence(s):-

Statement of Offence.

Particulars of Offence.

and was committed for trial to the Supreme Court of Nauru.

These are therefore to command you the said Police Officers to convey and deliver the said to the Superintendent of the Nauru Prison who is hereby directed to receive the said into his custody in the prison and there safely keep him until he shall be thence delivered in due course of law.

Dated the day of, 19.... .

Magistrate.

CRIMINAL PROCEDURE ACT 1972

(Section 170)

RECOGNIZANCE OF BAIL ON COMMITTAL FOR TRIAL

In the District Court.

Criminal Case No.

We the undersigned severally acknowledge ourselves to owe to the Republic the several sums following namely of as principal the sum of and of as surety the sum of payment thereof to be enforced severally against us by due process of law if the said principal fail in the condition endorsed hereon.

..... Principal

..... Surety

Taken before me this day of, 19.... .

Magistrate.

CONDITION

The condition of the above recognizance is such that whereas the above bounden principal was this day charged before the District Court and committed for trial to the Supreme Court of Nauru for the following offence:-

Statement of Offence

Particulars of Offence

If therefore the said principal shall attend before the said Supreme Court at the Court House at Yaren at 9 a.m. on the day of, 19..., and there surrender himself into the custody of the Court and plead to and take his trial upon an information against him for or in respect of the charge aforesaid and not depart the said recognizance shall be void but otherwise remain in full force.

(Section 75)

INFORMATION TO OBTAIN A SEARCH WARRANT

The information of of, who upon oath states that he has reasonable cause to suspect and he does suspect and believe that certain property namely (a)*upon, by or in respect of which an offence has been committed*/which is necessary to the conduct of an investigation into an offence is in a certain (b) at (c) of (d)

And the grounds of such suspicion and belief are -

(Signature of Informant).

Sworn before me at this day of, 19.... .

Magistrate.

Note -

- (a) Describe article or things.
 - (b) Building, ship, vehicle, receptacle or place.
 - (c) Situation of building, etc.
 - (d) Name of owner or person residing in or being in charge of the building, etc.
- * Delete whichever is not applicable.

FORM NO.CRIM/24

CRIMINAL PROCEDURE ACT 1972

(Section 75)

SEARCH WARRANT

To all Police Officers in Nauru.

Whereas it is made to appear to me by information on oath laid this day by of that there is reasonable ground for suspecting that certain property, namely (a) *upon, by or in respect of which an offence has been committed*/which is necessary to the conduct of an investigation into an offence is in a certain (b) at (c) of (d)

You are hereby authorised forthwith with proper assistance to enter the said (b), if necessary by force, and there search for the property above mentioned and, if anything searched for be found, or any other thing which there is reasonable cause to suspect to have been stolen or unlawfully obtained be found, to seize it and bring it before the District Court at Yaren to be dealt with according to law.

Dated the day of, 19.... .

Magistrate.

Note -

- (a) Describe article or things.
 - (b) Building, ship, vehicle, receptacle or place.
 - (c) Situation of building, etc.
 - (d) Name of owner or person residing in or being in charge of the building, etc.
- * Delete whichever is not applicable.
