

No. 42 of 1925.

***National Court Assessors Act (T.N.G.) 1925.***

Certified on: / /20 .



INDEPENDENT STATE OF PAPUA NEW GUINEA.



No. 42 of 1925.

*National Court Assessors Act (T.N.G.) 1925.*

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

*National Court Assessors Act (T.N.G.) 1925,*

Being an Act applying in and to the former Territory of New Guinea, to provide for the appointment of assessors at trials in the National Court.

**1. CONSTITUTIONAL LIMITATION ON APPLICATION OF ACT.**

By virtue of Section Sch. 2.6(2) (*adoption of pre-Independence laws*) of the *Constitution*, this Act applies in relation to the area that, immediately before Independence Day, formed the Territory of New Guinea.

**2. INTERPRETATION.**

In this Act, unless the contrary intention appears—

“**civil proceedings**” includes any suit, action or original proceedings between parties other than criminal proceedings;

“**the Court**” means the National Court.

**3. APPOINTMENT OF ASSESSORS BY THE COURT.**

(1) In any criminal proceedings pending in the Court, the Public Prosecutor or the accused person may, before or during trial, apply to the Court or a Judge for the appointment of assessors at the trial.

(2) In any civil proceedings pending in the Court, a plaintiff or defendant may, before or during trial, apply to the Court or a Judge for the appointment of assessors at the trial.

(3) On an application being made under Subsection (1) or (2), or of its or his own motion, the Court or Judge may appoint not more than two assessors.

(4) Where on an application being made under Subsection (1) or (2), in any proceedings in which automatic citizens are interested, the Court or Judge refuses to

appoint assessors, the Court or Judge shall refer the application to the Head of State, acting on advice, who may, if he thinks fit, appoint assessors.

**4. ATTENDANCE BY ASSESSORS AT COURT.**

Every assessor shall—

- (a) attend the Court at the time and place set out in the notice of his appointment; and
- (b) remain in Court until—
  - (i) the termination of the trial at which he has been appointed an assessor; or
  - (ii) the Court grants him permission to depart,whichever first happens.

**5. DUTIES OF ASSESSORS.**

When required by the Court, assessors shall give their opinion on any matters of fact, custom or usage, or any other matters, arising out of the evidence given at the trial, but shall not adjudicate in any proceedings before the Court.

**6. OATH AND AFFIRMATION.**

An assessor shall, before entering on his duties at a trial, take an oath or affirmation in the prescribed form.

**7. PAYMENT OF ASSESSORS.**

Assessors shall be paid such fees and expenses as are prescribed.

**8. OFFENCES BY ASSESSORS.**

A person appointed an assessor who, without reasonable excuse, fails to attend the Court as required, or neglects or refuses to perform the duties of assessor, is liable to a fine not exceeding K100.00, which may be imposed immediately by the Court and, in default of payment within such time as the Court orders, may, by warrant under the hand of a Judge, be recovered by levy and distress of his goods.

**9. REGULATIONS.**

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing the fees and expenses to be paid to assessors and the fees to be paid by the parties in any proceedings in which assessors are applied for and appointed.

Office of Legislative Counsel, PNG