

**CHAPTER 3.****TRADITIONAL RIGHTS COURT****ARRANGEMENT OF SECTIONS****Section****§301.** Short Title.**§302.** Membership and composition.**§303.** Appointment, removal and disciplinary control.**§304.** Temporary Appointments.**§305.** Qualifications: register.**§306.** Validation of appointments made prior to the commencement of this Chapter.**§307.** Reserved.**§308.** High Court Judge or District Court Judge.**§309.** Evidence.

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An Act to authorize the Judicial Service Commission to appoint, remove, and exercise disciplinary control over judges of the Traditional Rights Court; to regularize the appointment of persons functioning as judges of the said Court prior to the commencement of this Act; to prescribe the composition thereof; and to provide for matters connected with or incidental to the matters aforesaid.

Commencement:	30 December 1985
Source:	P.L. 1986-1
	P.L. 1995-135
	P.L. 2000-9
	P.L. 2005-24
	P.L. 2014-34

**§301. Short Title.**

This Chapter may be cited as the "Traditional Rights Court (Composition and Appointments) Act 1985". [P.L. 1986-1, §1.]

**§302. Membership and composition.**

The Traditional Rights Court (in this Chapter referred to as "the Court") shall consist of a permanent panel composed of the Chief Judge and two Associate Justices, and such other temporary judges or panels as may be appointed or constituted from time to time as provided for under Section 304 of this Chapter. [P.L. 1986-1, §2, amended by P.L. 1995-135, §4.]

**§303. Appointment, removal and disciplinary control.**

(1) The Chief Judge and Associate Judges of the Court shall be appointed by the Cabinet acting on the recommendation of the Judicial Service Commission ("the Commission") and with the

approval, signified by resolution, of the Nitijela. Pending such approval, an appointee may discharge the functions of such office until the expiration of 21 days after the commencement of the next ensuing session of the Nitijela.

(2) The Chief Judge and Associate Judges of the permanent panel appointed under Subsection (1) shall hold office during good behavior for terms of between four to ten years, or until reaching the age of 72 years, whichever first occurs.

(3) A judge of the Traditional Rights Court may be suspended or removed in the same manner as that of a judge of the superior courts. [P.L. 1986-1, §3, amended by P.L. 1995-135, §4.] [P.L. 2000-9, §2.] [ subsection (2) amended by P.L. 2005-24][Subsection (2) amended by P.L.2014-34]

#### **§304. Temporary Appointments.**

(1) Whenever the office of the Chief Judge of the Court is temporarily vacant, or the Chief Judge is disabled from performing the duties of his office, the Cabinet, acting on the recommendation of the Commission, may appoint a person qualified within the meaning of Section 305(1) of this Chapter, as acting Chief Judge to discharge the duties of that office for the duration of such vacancy or disability.

(2) In the event of a vacancy on the permanent panel, or where a member of the permanent panel is unable to sit for reasons of ill health, absence from the Republic, suspension, or conflict of interest, the Commission may appoint a suitable person, from the Registry of Qualified Persons, and in accordance with Article VI (4)(1) of the Constitution, to sit as a judge pro tem, on the temporary panel of the court constituted to hear a specific case.

(3) The Chief Judge shall appoint the presiding judge for each temporary panel, provided however, that he shall preside over such panels of which he is a member.

(4) A person of the Court appointed pursuant to this Section shall be compensated at such daily rate as shall be determined by the Chief Judge of the Court.

(5) A person appointed pursuant to subsection (3) of this Section shall be compensated at such a daily rate as may be determined by the Chief Judge of the court but in no event shall such compensation exceed the daily per diem rate for an Associate Judge of the Court. [P.L. 1986-1 §4, amended by P.L. 1995-135, §4.]

#### **§305. Qualifications; register.**

(1) Judges of the Traditional Rights Court shall be knowledgeable in the customs and traditions of the Republic and also be qualified by education, experience and character to discharge the judicial office.

(2) The Commission shall maintain a register of suitably qualified persons prepared in accordance with Article VI, Section 4(1) of the Constitution of the Marshall Islands, and recommend from such register persons for appointment under Section 303(1) or 304(1) of this Chapter. [P.L. 1986-1, §5, amended by P.L 1995-135, §4.]

#### **§306. Validation of appointments made prior to the commencement of this Chapter.**

Every person functioning as a member of the Court on the day immediately preceding the date of commencement of this Chapter [30 December 1985] or at any time prior thereto shall be deemed to have been appointed under the provisions of this Chapter and no official act performed by him in such capacity shall be construed or deemed to be invalid by reason only of the fact that at the time of performing such act he held no valid appointment as such member. [P.L. 1986-1, §6.]

§307. *Reserved.*

§308. **High Court judge or presiding judge of the District Court to preside.**

At the request of the presiding judge of a panel, acting on his own motion or on the motion of a party to the proceedings before such panel, the Chief Justice of the High Court shall assign a judge of the High Court or the Presiding Judge of the District Court to preside over hearings of the Court, guide the Court generally, and rule on evidence and procedure; provided, however, that a judge so assigned shall not in any way participate in deliberations of the Court to arrive at its answer to or opinion on any certified question referred to it. [P.L. 1986-1, §8, amended by P.L. 1995-135, §4.]

§309. **Evidence.**

The Court may admit any evidence which is reasonably relevant to the question under its consideration. [P.L. 1986-1, §9.]

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