



REPUBLIC OF NAURU

REPUBLIC PROCEEDINGS ACT 1972

PROCEEDINGS AGAINST THE REPUBLIC REGULATIONS 1973

*IN EXERCISE of the powers conferred on it by section 3
of the Republic Proceedings Act 1972, the Cabinet has
made the following regulations —*

SHORT TITLE

1. These Regulations may be cited as the Proceedings against the Republic Regulations 1973.

INTERPRETATION

2. In these Regulations "civil proceedings against the Republic" has the same meaning as in the Act; it includes civil proceedings by or against an instrumentality of the Republic or a statutory corporation to which the provisions of section 3 of the Act have been applied by the Cabinet but does not include any of the proceedings specified in section 16 of the Act.

APPLICATION FOR LEAVE TO COMMENCE PROCEEDINGS

3. (1) Application to the Cabinet for leave under section 3 of the Act to take civil proceedings against the Republic shall be made in writing in the form set out in the Appendix to these Regulations, signed by the person in whose name it is intended that the proceedings should be taken or, where that person is a body corporate, by an officer thereof, and shall be sent or delivered to the Secretary to the Cabinet.

(2) Every such application shall be accompanied by a copy of —

- (a) the statement of claim which the applicant intends to indorse on the writ of summons or to serve;
- (b) the counterclaim which he intends to add to his defence; or
- (c) the third party notice which he intends to issue,

as the case may be, in pursuance of his claim against the Republic and shall be indorsed with details of the applicant's full name and occupation, and of his usual places of residence and of business, if any.

(3) The statement of claim, counterclaim or third party notice referred to in the last preceding paragraph shall include a statement of the circumstances in which the Republic's liability is alleged to have arisen and as to the government department, instrumentality of the Republic or statutory corporation, or the President or the officer of the Republic, concerned.

CABINET MAY REQUIRE FURTHER DETAILS OF CLAIM

4. (1) If the Cabinet, having obtained the advice of the Secretary for Justice thereon, considers that the statement of claim, counterclaim or third party notice referred to in paragraph (2) of regulation 3 does not comply with paragraph (3) of that regulation, it may direct the Secretary to the Cabinet to notify the applicant accordingly.

(2) If the applicant is seeking leave to take proceedings against the Republic on behalf of, or as the representative of, any other person or in respect of any cause of action which he alleges, or which appears from his statement of the circumstances in which the Republic's liability is alleged to have arisen, to be vested in any other person in addition to himself, the Cabinet may direct the Secretary to the Cabinet to require him to supply to it details of the full name, occupation and places of residence and of business, if any, of that other person.

(3) Where the Cabinet gives any direction to the Secretary to the Cabinet under paragraph (1) or paragraph (2), he shall forthwith notify the applicant in writing of the Cabinet's requirement and the applicant shall send or deliver to the Secretary to the Cabinet in writing for transmission to the Cabinet any information necessary to comply with that requirement.

This 31st day of October, 1973.

S. M. Sadaraka
Secretary to the Cabinet

**APPENDIX
(Regulation 3)**

**APPLICATION FOR LEAVE TO TAKE CIVIL PROCEEDINGS
AGAINST THE REPUBLIC**

To the Cabinet,
Republic of Nauru.

1. I hereby apply for leave to be given by the Cabinet under section 3 of the Republic Proceedings Act 1972 for me to take civil proceedings against the Republic of Nauru.

2. This application is accompanied by a copy of —
- the statement of claim which I intend to indorse on the writ of summons*/to serve.
 - the counter claim which I intend to make against the Republic in Civil Action No. of 19 now pending in the Supreme*/District Court of Nauru.
 - the third party notice which I intend to issue in Civil Action No. of 19 now pending in the Supreme*/District Court of Nauru.

3. The personal details which I am required by regulation 3 of the Proceedings against the Republic Regulations 1973 to indorse on this application are —

My full name is
My occupation is
My usual place of residence is
My usual place of business is

4. The address to which any notices relating to this application should be sent is

Dated the day of 19

Signed
Applicant

- delete whichever is not applicable