



REPUBLIC OF NAURU

# LEGAL PRACTITIONERS (ADMISSION) RULES 2019

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SL No. 27 of 2019

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Notified: 30<sup>th</sup> August 2019

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In exercise of the powers conferred by section 80 of the *Legal Practitioners Act 2019*, the Chief Justice makes the following Rules:

## **PART 1 - PRELIMINARY**

### **1 Citation**

These Rules may be cited as the *Legal Practitioners (Admission) Rules 2019*.

### **2 Commencement**

These Rules come into effect on 2 September 2019.

## **PART 2 - INTITULE**

### **3 Intitule of documents**

An application for admission, affidavit to be presented, lodged or filed under these Rules shall be intituled as set out in Form 1 of Schedule 1.

## **PART 3 – ADMISSION REQUIREMENTS**

### **4 Application for admission**

An application for admission to practice shall be by petition:

- (a) in the case of a barrister and solicitor under section 7 of the Act, in Form 2 of Schedule 1 of these Rules;
- (b) in the case of a pleader under section 8 of the Act, in Form 3 of Schedule 1 of these Rules;
- (c) in the case of a foreign practitioner under section 9 of the Act, in Form 4 of Schedule 1 of these Rules; and
- (d) in the case of temporary admission under Part 3 of the Act, in Form 5 of Schedule 1 of these Rules.

### **5 Particulars required for application for admission**

- (1) The particulars of a petition for admission to practice as a barrister and solicitor under section 7 of the Act shall have the following documents attached to it and marked appropriately:
  - (a) a certified true copy of the original of the applicant's birth certificate or current passport;
  - (b) a certified true copy of the original of the applicant's degree or Pleadings Certificate;

- (c) a certified true copy of the original of the applicant's certificate of admission to practice; and
  - (d) 2 original certificates of good character no more than a month old.
- (2) The particulars of a petition for admission to practice as a barrister and solicitor under section 8 of the Act shall have the following documents attached to it and marked appropriately:
- (a) a certified true copy of the original of the applicant's birth certificate or current passport;
  - (b) a certified true copy of the original of the applicant's Pleders Certificate;
  - (c) a certified true copy of the original of the applicant's Advocacy Certificate; and
  - (d) 2 original certificates of good character no more than a month old.
- (3) The particulars of a petition for admission to practice as a barrister and solicitor under section 9 of the Act shall have the following documents attached to it and marked appropriately:
- (a) a certified true copy of the original of the applicant's birth certificate or current passport;
  - (b) a certified true copy of the original of the applicant's degree;
  - (c) a certified true copy of the original of the applicant's certificate of admission to practice;
  - (d) original copy of Certificate of Good Standing from a law society or Board of Legal Education from the country the applicant is currently practicing in;
  - (e) 2 original certificates of good character no more than a month old;
  - (f) a certified true copy of the original of the applicant's business visa;
  - (g) police certificate certifying petitioner has not been subject of any order, judgment, finding or conviction arising from any criminal cause or matter or is subject to any pending criminal cause or matter; and
  - (h) 2 original certificates of good character no more than a month old.

- (4) The particulars of a petition for admission to practice as a barrister and solicitor under Part 3 of the Act shall have the following documents attached to it and marked appropriately:
- (a) a certified true copy of the original of the applicant's birth certificate or current passport;
  - (b) a certified true copy of the original of the applicant's degree;
  - (c) a certified true copy of the original of the applicant's certificate of admission to practice;
  - (d) original copy of Certificate of Good Standing from a law society or Board of Legal Education from the country the applicant is currently practicing in;
  - (e) 2 original certificates of good character no more than a month old;
  - (f) evidence of cause or matter in which the applicant intends to appear;
  - (g) evidence of instruction by the client and a resident legal practitioner;
  - (h) a certified true copy of the original of the applicant's business visa;
  - (i) police certificate certifying petitioner has not been subject of any order, judgment, finding or conviction arising from any criminal cause or matter or is subject to any pending criminal cause or matter; and
  - (j) 2 original certificates of good character no more than a month old.

**6 Affidavit verifying the petition**

A petition for admission shall be verified by an affidavit in Form 6 of Schedule 1 of these Rules.

**7 Lodging of petition**

A petition for admission shall be lodged with the Registrar in triplicate copies.

**8 Notice of petition**

- (1) The Registrar shall cause a notice of the petition for admission to be published in the Gazette and to be affixed to the public notice board at the Court House in Yaren.

- (2) The notice under subrule (1) shall be in Form 7 of Schedule 1 of these Rules.

## **9 Hearing of application for admission**

- (1) The date of hearing of an application for admission shall be fixed by the Chief Justice and in his or her absence, the Registrar.
- (2) In fixing the date of the hearing of a petition for admission under subrule (1), consideration shall be given to the requirements of section 10 (4) of the Act.
- (3) The Registrar shall provide to the applicant reasonable notice of the date fixed for the hearing of the applicant's application for admission.
- (4) An applicant for admission to practice shall attend in person unless exempted by the Chief Justice.
- (5) A notice of the hearing of the petition shall be served to the Secretary for Justice and the President of the Nauru Law Society, who shall attend the hearing.

## **PART 4 - MISCELLANEOUS**

### **10 Application for abridgment of time**

Where an applicant for admission seeks an abridgement of the time under the Act or these Rules, the application shall:

- (a) be made in the petition itself; and
- (b) set out the circumstances and grounds in which the application is made.

### **11 Fees**

The fees payable to the Registry of the Supreme Court for the filing of petitions and related documents are set out in Schedule 2.

### **12 Forms**

The forms in these Rules shall be used as far as practicable and where required, used with the necessary modifications.

### **13 Repeal**

The *Legal Practitioners (Admission) Rules 1973* are repealed.

**SCHEDULE 1**

**FORM 1**

**Intitule**

**IN THE SUPREME COURT OF NAURU**  
**MISCELLANEOUS JURISDICTION**

Miscellaneous Proceedings  
No.                    of 20....

**IN THE MATTER** of the  
*Legal Practitioners Act*  
*2019*

**AND IN THE MATTER**  
of the *Legal Practitioners*  
*(Admission) Rules 2019*

**AND IN THE MATTER**  
of an application for  
admission as a Pleader by  
[INSERT NAME]

## FORM 2

### FORM LP/Ad/2

[INTITULE AS IN FORM 1]

#### PETITION FOR ADMISSION

#### AS BARRISTER AND SOLICITOR

**TO** : The Chief Justice of the Supreme Court of Nauru

I, [INSERT NAME] of [insert District] District, [insert occupation], petition to be admitted to practice as a barrister and solicitor.

1. I have attained the age of 21 years and I am a citizen of Nauru. I annex hereto and marked “Attachment 1” a certified true copy of the original of my [birth certificate or current passport<sup>1</sup>].
2. I am ordinarily resident in [Nauru<sup>2</sup>].
3. I am a qualified person under section 7 of the *Legal Practitioners Act 2019*.
4. My law degree was completed at [insert name of tertiary institution]. I annex hereto and marked “Attachment 2” a certified true copy of the original of the certificate of my degree issued on the [insert date] and I am the person named therein.
5. I was on the [insert date] duly admitted as a barrister and solicitor in [insert country./ I have practiced as a pleader in Nauru for a period of over 12 months before completing my law degree from [insert date] to [insert date].<sup>3</sup>
6. I annex hereto and marked “Attachment 3” a certified true copy of the original of the certificate of my admission as a barrister and solicitor in [insert country]/ I annex hereto and marked “Attachment 3” is a certified true copy of the original of the Certificate conferred on me on completing and graduating from the Pleadings Course of [insert date].<sup>4</sup>
7. My normal residential address is [insert address].
8. The address at which I intend to practise, is [insert address].

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<sup>1</sup> Delete whichever is inapplicable.

<sup>2</sup> Insert country where ordinarily resident.

<sup>3</sup> Delete whichever is inapplicable.

<sup>4</sup> Delete whichever is inapplicable.



9. I annex hereto and marked “Attachment 4” and “Attachment 5” the original certificates of good character (no more than 1 month old) from persons who have known me for at least 12 months and who are not related to me.

10. My address for service is *[insert address]*.

**DATED** this                    day of                    , 20....

.....  
**[INSERT NAME]**

**FORM 3**

**FORM LP/Ad/3**

**[INTITULE AS IN FORM 1]**

**PETITION FOR ADMISSION**

**AS A PLEADER**

**TO** : The Chief Justice of the Supreme Court of Nauru

I, **[INSERT NAME]** of [*insert District*] District, [*insert occupation*], petition to be admitted to practice as a Pleader.

1. I am a citizen of Nauru. I attach hereto and marked “Attachment 1” a certified true copy of the original of my [*birth certificate or current passport*<sup>1</sup>].
2. I am ordinarily resident in Nauru
3. I am a qualified person under section 8 of the Legal Practitioners Act 2019.
4. I have undergone the training and satisfactorily completed the Pleaders Course [*insert date*], pursuant to section 8(1)(b) of the Legal Practitioners Act 2019 and [*insert name of Rules*].
5. I have passed the examination prescribed by the Chief Justice contained in [*insert name of Rules*]. I attach herewith a copy of the results of my examination marked as “Attachment 2”.
6. On the [*insert date*] I, graduated and a Certificate was conferred to me. I attach hereto marked as “Attachment 2” a certified true copy of the original of the Certificate.
7. I also undertook a further program conducted by the Department of Justice for Advocacy Training. I attach herewith a copy of the Certificate of Achievement marked as “Attachment 3”.
8. I attach hereto marked as “Attachment 4” and “Attachment 5” are original certificates of good character (no more than 1

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<sup>1</sup> Delete whichever is inapplicable.

month old) from persons who have known me for at least 24 months and who are not related to me.

9. My normal residential address is [*insert District*] District.

10. My address for service is [*insert address for service*].

**DATED** this            day of            , 2019.

.....  
**[INSERT NAME]**

**FORM 4**

**FORM LP/Ad/4**

**[INTITULE AS IN FORM 1]**

**PETITION FOR ADMISSION  
AS A BARRISTER AND SOLICITOR  
[FOREIGN PRACTITIONER]**

**TO** : The Chief Justice of the Supreme Court of Nauru

I, **[INSERT NAME]** of *[insert address]*, *[insert occupation]*, foreign practitioner, petition to be admitted to practice as a barrister and solicitor.

1. I have attained the age of 21 years and I am a citizen of *[insert country of citizenship]*. I attach hereto and marked “Attachment 1” a certified true copy of the original of my *[birth certificate or current passport<sup>1</sup>]*.
2. I am ordinarily resident in *[insert country of residence]*.
3. I am a qualified person under section 9 of the *Legal Practitioners Act 2019*.
4. My law degree was completed at *[insert name of tertiary institution]* in *[insert country]*. I attach hereto and marked “Attachment 2” a certified true copy of the original of the certificate of my degree issued on *[insert date]* and I am the person named therein.
5. I was duly admitted as a barrister and solicitor in *[insert country]* on *[insert date]*. I attach hereto and marked “Attachment 3” a certified true copy of the original of the certificate of my admission as a barrister and solicitor in *[insert country]*.
6. I have legal experience practicing *[insert<sup>2</sup>]* for a period of *[insert duration of practice]* in *[insert country<sup>3</sup>]*.
7. I have not been and am not the subject of any proceedings, whether concluded or pending, for professional misconduct on my part where I have been admitted to practice as a barrister and solicitor. I attach

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<sup>1</sup> Delete whichever is inapplicable.

<sup>2</sup> Insert: own my own account; as a lawyer in Attorney General’s Office; as a lawyer in Department of Justice; as a lawyer in Office of Director of Public Prosecutions; as a lawyer in Legal Aid/Public Legal Defender’s Office

<sup>3</sup> If the Petitioner has practiced in more than 1 country, list the countries and duration of practice in each country.

hereto and marked "Attachment 4" the original copy of my Certificate of Good Standing from the [insert<sup>1</sup>] of [insert country].

8. I attach hereto and marked "Attachment 5" the original copy of a Police Certificate certifying that I have not been the subject of any order, judgment, finding or conviction arising from any criminal cause or matter against me and I am not the subject of any pending criminal cause or matter in [insert country of residence].
9. I attach hereto and marked "Attachment 6" a certified true copy of the original of my business visa granted on [insert date] by Nauru Immigration.
10. I attach hereto and marked "Attachment 7" and "Attachment 8" are original certificates of good character (no more than 1 month old) from persons who have known me for at least 24 months and who are not related to me.
11. I have resided in Nauru for a continuous period of not less than 2 months.
12. My normal residential address is [insert address].
13. The address at which I intend to practise, is [insert address].

**DATED** this                      day of    , 2019.

.....  
**[INSERT NAME]**

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<sup>1</sup> Insert Law Society or Board of Legal Education

**FORM 5**

**FORM LP/Ad/5**

**[INTITULE AS IN FORM 1]**

**PETITION FOR ADMISSION  
AS A BARRISTER AND SOLICITOR  
[TEMPORARY ADMISSION]**

**TO** : The Chief Justice of the Supreme Court of Nauru

I, **[INSERT NAME]** of *[insert address]*, *[insert occupation]*, foreign practitioner, petition to be admitted to temporary practice as a barrister and solicitor.

1. I have attained the age of 21 years and I am a citizen of *[insert country of citizenship]*. I attach hereto and marked “Attachment 1” a certified true copy of the original of my *[birth certificate or current passport<sup>1</sup>]*.
2. I am ordinarily resident in *[insert country of residence]*.
3. I am a qualified person under Part 3 of the *Legal Practitioners Act 2019*.
4. My law degree was completed at *[insert name of tertiary institution]* in *[insert country]*. I attach hereto and marked “Attachment 2” a certified true copy of the original of the certificate of my degree issued on *[insert date]* and I am the person named therein.
5. I was on the *[insert date]* duly admitted as a barrister and solicitor in *[insert country]*. I attach hereto and marked “Attachment 3” a certified true copy of the original of the certificate of my admission as a barrister and solicitor in *[insert country]*.
6. I have legal experience practicing *[insert<sup>2</sup>]* for a period of *[insert duration of practice]* in *[insert country]*.
7. I have not been and am not the subject of any proceedings, whether concluded or pending, for professional misconduct on my part where I have been admitted to practice as a barrister and solicitor. I attach hereto and marked “Attachment 5” the original copy of my Certificate of Good Standing from the *[insert<sup>3</sup>]* of *[insert country]*.

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<sup>1</sup> Delete whichever is inapplicable.

<sup>2</sup> Insert: own my own account; as a lawyer in Attorney General’s Office; as a lawyer in Department of Justice; as a lawyer in Office of Director of Public Prosecutions; as a lawyer in Legal Aid/Public Legal Defender’s Office

<sup>3</sup> Insert Law Society or Board of Legal Education

8. I seek admission as a barrister and solicitor under the Act to act in respect of the following cause or matter *[insert cause or matter<sup>1</sup>]* and I am instructed by *[insert name of legal practitioner<sup>2</sup>]*.
9. I attach hereto and marked "Attachment 6" a certified true copy of the original of my business visa granted on *[insert date]* by Nauru Immigration.
10. I attach hereto and marked "Attachment 7" the original copy of a Police Certificate certifying that I have not been the subject of any order, judgment, finding or conviction arising from any criminal cause or matter against me and I am not the subject of any pending criminal cause or matter in *[insert country of residence]*.
11. I attach hereto and marked "Attachment 8" and "Attachment 9" original certificates of good character (no more than 1 month old) from persons who have known me for at least 24 months and who are not related to me.
12. My normal residential address is *[insert address]*.
13. The address at which I intend to practise from is *[insert address]*.

**DATED** this                      day of    , 20....

.....  
**[INSERT NAME]**

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<sup>1</sup> Clearly set out cause or matter for which admission is sought.

<sup>2</sup> The resident barrister and solicitor or pleader giving instructions to petitioner must have more than 10 years' experience.

**FORM 6**

**FORM LP/Ad/6**

**[INTITULE AS IN FORM 1]**

**AFFIDAVIT VERIFYING PETITION**

**TO** : The Chief Justice of the Supreme Court of Nauru

**I, [INSERT NAME]** of *[insert address]*, *[insert occupation]* make oath and says as follows:

1. I am the Petitioner herein.
2. As the petitioner, I am aware of the facts contained in the petition signed by me on *[date]*.
3. I have read and understood the contents of the Petition to be filed in this Honourable Court and verify the contents therein are true to the best of my knowledge, information and belief. The Petition annexed hereto and marked as “*Annexure [insert initials] 1*”
4. I seek order in terms of the prayer in the Petition.

**SWORN/ AFFIRMED** by *[insert name]*

at *[insert place affidavit sworn]* this *[insert date]*

.....  
*[Signature of petitioner]*

Before me:

\_\_\_\_\_  
**[A COMMISSIONER FOR OATHS/NOTARY PUBLIC<sup>1</sup>]**

\_\_\_\_\_  
<sup>1</sup> Delete whichever is inapplicable.



**FORM 7**

**FORM LP/Ad/7**

**CERTIFICATE OF GOOD CHARACTER**

The Chief Justice  
Supreme Court of Nauru  
Yaren District  
**Republic of Nauru**

1. I, *[insert name]*, of *[insert address]*, *[insert occupation]*, certify that the applicant *[insert name]*:

- (a) is not related to me by blood or marriage;
- (b) has been known to me for a period of *[insert duration<sup>1</sup>]*; and
- (c) is known to me *[insert capacity<sup>2</sup>]*<sup>3</sup>.

2. In my opinion, the applicant is of good character and a fit and proper person to be admitted as a *[insert<sup>4</sup>]* of the Supreme Court of Nauru.

.....  
*[Signature]*

.....  
*[Date]*

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<sup>1</sup> Referee must have known the Petitioner for a period of at least 24 months.  
<sup>2</sup> Insert in what capacity you know the Petitioner – whether professional, academic or other.  
<sup>3</sup> Please describe your relationship including relevant details such as your role or title and the name of the law practice, department, agency, academic institution or other such organisation.  
<sup>4</sup> Insert: barrister and solicitor or pleader.

**FORM LP/Ad/8**

**CERTIFICATE OF GOOD STANDING**

The Chief Justice  
Supreme Court of Nauru  
Yaren District  
**Republic of Nauru**

I, *[insert name]*, of *[insert address]*, *[insert occupation]*, certify that:

- (a) at the date of this certificate, no disciplinary proceedings are pending or contemplated against the application and, his or her professional conduct is not under investigation;
- (b) <sup>1</sup>there has been no record of any professional misconduct or proceedings against the applicant/the applicant has a record of professional misconduct or proceedings against him/her, namely:

<sup>2</sup>*[insert charge] [insert proceedings] [insert result]*

**DATED** this ..... day of....., 20...

.....  
*[insert<sup>3</sup>]*

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<sup>1</sup> Delete where applicable.

<sup>2</sup> Set out clearly in number paragraphs, that is (i), (ii), (iii) etc

<sup>3</sup> Insert Secretary of Law Society or Chairperson of Board of Legal Education

**FORM LP/Ad/9**

**[INTITULE AS IN FORM 1]**

**NOTICE OF APPLICATION FOR ADMISSION TO PRACTICE**

**TAKE NOTICE** that a petition by *[name of petitioner]* seeking admission to practice as a *[insert<sup>1</sup>]* was lodged with the Court on this .... day of ..... 20....

Any person knowing any reason why the petition should not be granted may, within 14 days of the date of this notice, lodge with the Registrar of the Supreme Court at Yaren a written statement of the grounds of his or her objection.

**DATED** this ..... day of....., 20...

.....  
Registrar

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<sup>1</sup> Insert: barrister and solicitor or pleader.

## SCHEDULE 2

### Admission Fees<sup>1</sup>

No.	Document	Rule	Fee (\$)
1.	Filing petition for admission ( <i>Nauruan citizen barrister and solicitor</i> )	5(1)	200.00
2.	Filing petition for admission ( <i>pleader</i> )	5(2)	100.00
3.	Filing petition for admission ( <i>foreign practitioner</i> )	5(3)	200.00
4.	Filing petition for admission ( <i>temporary admission</i> )	5(4)	300.00
5.	On a petition for temporary admission, for each cause or matter in which the petitioner intends to appear	5(4)(b)(vi)	200.00
6.	Affidavits	5 and 6	10.00

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<sup>1</sup> These fees are inclusive of the hearing of the petition.