

# **Custom and Adopted Laws (Amendment) (No 2) Act 1976**

**REPUBLIC OF NAURU**

## **CUSTOM AND ADOPTED LAWS (AMENDMENT) (NO. 2) ACT 1976**

**(No. 23 of 1976)**

### **ARRANGEMENT OF SECTIONS**

#### **Section**

1. Short title
2. The principal Act
3. Amendment of section 4 of the principal Act

-----

#### **AN ACT**

**To amend the Custom and Adopted Laws Act 1971.**

**(Certified: 10th November, 1976)**

**Enacted by the Parliament of Nauru as follows:**

#### **SHORT TITLE**

1. This Act may be cited as the Custom and Adopted Laws (Amendment) (No. 2) Act 1976.

#### **THE PRINCIPAL ACT**

2. In this Act "the principal Act" means the Custom and Adopted Laws Act 1971.

#### **AMENDMENT OF SECTION 4 OF THE PRINCIPAL ACT**

3. Section 4 of the principal Act is amended-

(a) by inserting in subsection (1) thereof immediately after the words "the provisions of" the words, brackets and figure "subsection (4) and of";

(b) by inserting in subsection (2) thereof immediately before the first word of that subsection the words, brackets, figure and punctuation "Subject to subsection (4),"; and

(c) by adding thereto the following new subsection (4)

"(4) The principles and rules of the common law and equity adopted by this section may from time to time in their application to Nauru be altered and adapted by the Courts to take account of the circumstances of Nauru, and of any changes of those circumstances, and of any alterations or adaptations of those principles and rules which may have taken place in England

after the thirty-first day of January, 1968, whether before or after the commencement of this Act, but-

(a) nothing in this subsection shall be taken as requiring that any principle or rule of the common law or equity adopted by this section be altered or adapted in its application to Nauru; and

(b) a principle or rule of the common law or equity adopted by this section shall not be altered or adapted in its application to Nauru unless the Court which makes the alteration or adaptation is satisfied that the principle or rule so altered or adapted will suit better the circumstances of Nauru than does the principle or rule without that alteration or adaptation."

-----