

Custom and Adopted Laws (Amendment) Act 1972

REPUBLIC OF NAURU

CUSTOM AND ADOPTED LAWS (AMENDMENT) ACT 1972

(No. 15 of 1972)

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Amendment to section 4(3) of the principal Act
4. New section 12 added to the principal Act.

AN ACT

To make further provision for the application of the rules of equity by the Courts and with regard to the application of the English statutes relating to the limitation of actions.

(Certified: 18th August, 1972)

Enacted by the Parliament of Nauru as follows:

SHORT TITLE

1. This Act may be cited as the [Custom and Adopted Laws \(Amendment\) Act 1972](#).

INTERPRETATION

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

AMENDMENT TO SECTION 4(3) OF THE PRINCIPAL ACT

3. Subsection (3) of section 4 of the principal Act is amended by deleting the full stop at the end of the subsection and adding the words and punctuation "but, where there was before the commencement of this Act or is any conflict or variance between the rules of equity and the rules of the common law relating to the same matter, then the rules of equity shall prevail".

NEW SECTION 12 ADDED TO THE PRINCIPAL ACT

4. (1) The following new section 12 is hereby added to the principal Act -

"MODIFICATION OF APPLICATION OF ENGLISH STATUTES RELATING TO THE LIMITATION OF ACTIONS

12. Where immediately before the commencement of this Act the bringing of any action would not have been barred under the provisions of the Statute of Frauds and Limitations of 1867 of the State of Queensland in its application to Nauru, then, notwithstanding the other provisions of this Act relating to the adoption of the English statutes relating to the limitation of actions as laws of Nauru, the bringing of any such action shall not be barred under the provisions of any of those adopted statutes until-

- (a) the date on which the bringing of such an action would have been barred under the provisions of the Statute of Frauds and Limitations of 1867 of the State of Queensland in its application to Nauru if the application of that statute to Nauru had continued, or
- (b) the 1st day of October, 1973, whichever is the earlier date."

(2) The new section 12 added to the principal Act by this section shall be deemed to have been part of the principal Act from the date of the commencement of the Principal Act.
