

NITIJELA OF THE MARSHALL ISLANDS

24th CONSTITUTIONAL REGULAR SESSION, 2003

BILL NO. 134

P.L. 2003-102

An Act

To amend the Civil Procedure Act, 29 MIRC Chp. 1, to correct the order of Section 139 and 140 regarding court costs, to exempt the Government from court costs under Section 139 and 140, to repeal provisions regarding special appearances in Sections 150 through 154, and to repeal provisions regarding discovery in civil cases in Section 160.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS

Section 1. Short Title.

This Act may be cited as the Civil Procedure (Amendment) Act of 2002.

Section 2. Amendments

(1) Section 139 of the Civil Procedure Act, 29 MIRC Chp. 1 (“Civil Procedure Act”), is repealed and in its place is inserted a new Section 139 that reads as follows:

§139. Allocation of costs.

All fees and expenses paid or incurred under this Part or by court rule by any party prevailing in any matter, other than a criminal proceeding, shall be taxed as part of the costs against the losing party or parties unless the Court shall otherwise order; provided, that no fees paid to a witness who is a party-in-interest and is called and examined on his own behalf or on behalf of others jointly interested with him shall be allowed or taxed as costs; and provided further that no costs shall be taxed against the Republic or any of its agencies or local governments.

(2) Section 140 of the Civil Procedure Act is repealed and in its place is inserted a new

1 Section 140 that reads as follows:

2 §140. **Additional costs may be taxed.**

3 The court may allow and tax any items of cost or actual disbursement in addition to those
4 provided for in this Part or by court rule, other than fees of counsel, which it deems just and finds
5 them to have been necessarily incurred for services which were actually and necessarily
6 performed; provided, that no costs or actual disbursement shall be taxed against the Republic or
7 any of its agencies or local governments.

8 (3) Sections 150, 151, 152, 153, and 154 of the Civil Procedure Act, Part XI – Special
9 Appearances of Defendants, are hereby repealed.

10 (4) Section 160 of the Civil Procedure Act, Depositions in civil cases, is hereby
11 repealed.

12 Section 3. **Effective Date**

13 This Act shall take effect on the date of certification in accordance with Article IV,
14 Section 21 of the Constitution.

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16 **CERTIFICATE**

17 **I hereby certify:**

18 (1) that Nitijela Bill No. 134 was passed by the Nitijela of the Marshall Islands on the
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20 4th day of September, 2003; and

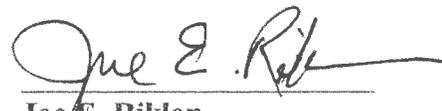
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22 (2) that I am satisfied that Nitijela Bill No. 134 was passed in accordance with the
23

1 relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of
2
3 Procedures of the Nitijela .

4 I hereby place my signature before the Clerk of the Nitijela this 3rd day of December, 2003.

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6 **Attest:**

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9 Lita Kwa Tomeing
10 Speaker,
11 Nitijela of the Marshall Islands

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Joe E. Riklon
Clerk,
Nitijela of the Marshall Islands