

Government Gazette

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No. 39

4th November, 1968

Nauru

G.N. No. 206/1968

IN THE SUPREME COURT OF NAURU

October 29th, 1968.

OPINION

Under Article 55 of the Constitution, the opinion of the Supreme Court is sought on a matter relating to the possible issue by the Republic of a guarantee in favour of the Clydesdale Bank Limited, in respect of facilities they are to provide to the Nauru Local Government Council.

This guarantee is in respect of facilities amounting to approximately \$1,500,000, which facilities are to be used to meet part of the cost of a ship that is under construction by Henry Robb Limited of Scotland, for the Nauru Local Government Council.

The Nauru Local Government Council is itself providing approximately 40%, or \$1,000,000 of the total cost of the ship and the arrangement to borrow the balance of approximately 60% from the Clydesdale Bank Limited entails repayment of principal plus interest, in equal half yearly instalments over eight years.

The Clydesdale Bank Limited require, as part of their terms and conditions for loaning this money, a guarantee from the Republic of Nauru which -

- (a) guarantees due performance by the Nauru Local Government Council of its obligations under the loan agreement, mortgage, covenant and other related documents;
- (b) guarantees repayment of principal, interest and costs (if any) relative to the borrowing by the Nauru Local Government Council.

The question to be answered by the Supreme Court is as follows:-

"Does the Cabinet have the authority to give such a guarantee without first obtaining the approval of Parliament."

The question has been considered by the Court in the light of -

- (a) the amount involved;
- (b) there is no over-riding factor such as war or national disaster;
- (c) the incorporation of the Nauru Local Government Council, i.e. a non-governmental body;
- (d) the desirability of having guide lines for the future, e.g. to consider this both in isolation and as a general question relative to the Republic giving guarantees and thereby incurring contingent liabilities in respect of governmental and non-governmental entities' debts to third parties.

For the purposes of Part VI of the Constitution, the proposed guarantee is a contingent liability on the Treasury Fund. The import of Part VI of the Constitution (vide Article 59 read with Article 61) is to insure Parliamentary sanction for Treasury Fund expenditure, whether actual or contingent. Accordingly, the proposed guarantee cannot lawfully be given without first obtaining the approval of Parliament.

24th October, 1968.

R. Knox-Mawer
CHIEF JUSTICE

G.N. No. 207/1968

LANDS TRANSFERS

It is notified for information that the following Transfers of Land have been approved by the Cabinet.

(1) Phosphate Land - Ewa - Portion No.45, "Idageang"

<u>Former Owner</u>	<u>Share</u>	<u>Gazette</u>	<u>Present Owner</u>	<u>Share</u>
Deiranauw	1/4	49/55	Eigaramweaij	1/4

(2) Phosphate Land - Ewa - Portion No.76, "Mitsijij or Uaboko"

<u>Former Owner</u>	<u>Share</u>	<u>Gazette</u>	<u>Present Owner</u>	<u>Share</u>
Deiranauw	3/10	38/57	Eigaramweaij	3/10

(3) Phosphate Land - Nibok - Portion No.81 - "Amero"

<u>Former Owner</u>	<u>Share</u>	<u>Gazette</u>	<u>Present Owner</u>	<u>Share</u>
Deiranauw	1/10	46/55	Eigaramweaij	1/10

(4) Phosphate Land - Nibok - Portion No.80, "Ati"

<u>Former Owner</u>	<u>Share</u>	<u>Gazette</u>	<u>Present Owner</u>	<u>Share</u>
Teddy Dabuae	1/45	37/67	Sammy Harris	1/45

(5) Phosphate Land - Nibok - Portion No.98 - "Eamen"

<u>Former Owner</u>	<u>Share</u>	<u>Gazette</u>	<u>Present Owner</u>	<u>Share</u>
Teddy Dabuae	1/20	9/61	Sammy Harris	1/20

(6) Phosphate Land - Nibok - Portion No.123 "Ati"

<u>Former Owner</u>	<u>Share</u>	<u>Gazette</u>	<u>Present Owner</u>	<u>Share</u>
Teddy Dabuae	1/20	53/60	Sammy Harris	1/20

Jeremia
SECRETARY

G.N. No. 208/1968

BIRTHS, DEATHS & MARRIAGES ORDINANCE 1956-1967

Births, deaths and marriages registered during week ended 4th November, 1968 were:-

Births1. Nauruan

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Reg'd Dist.</u>	<u>Tribe</u>
Christina) Yvette Stephen)	24/9/68	F	Uaboe	Deiboe
Rachael Michelle) Neinang Eidugura) Gadaraoa)	22/10/68	F	Anibare	Eamwit

2. O.P.I.

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Reg'd Dist.</u>	<u>Tribe</u>
Siata Famasani	27/10/68	F	B.P.C.	Location

Deaths

Nil

Marriages

Nil

Corrigendum to G.N. No.204/1968 of Gazette No. 38 of 28th October, 1968.

1. Nauruan

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Reg'd Dist.</u>	<u>Tribe</u>
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Delete:-

Thorton Bryan) Harris)	14/9/68	M	Boe	Eamwit
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Insert

Thornton Bryan) Harris)	14/9/68	M	Boe	Eamwit
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Q.V.L. Weston
REGISTRAR

BIRTHS, DEATHS & MARRIAGES

G.N. No.209/1968

ENGAGEMENT TO MARRYName of Party:

VERNON BERNICKE of Buada District and ROSALINDA
MARTIN of Meneng District, Nauru.

Date of Engagement:

17th October, 1968.

A. Bernicke
SECRETARY

G.N. No.210/1968

NAURU LOCAL GOVERNMENT COUNCILIMPOUNDING OF ANIMALS

Pursuant to the provisions of the Nauru Local Government Council Rule No.1 notice is hereby given that the following animals have this day been impounded:-

<u>Number</u>	<u>Description</u>
1 only	B/white boar about 18 months old found straying near the Secondary School boe District on 24/10/68 at 7 a.m.
1 only	White female pig about 10 months old, found straying at the Government Office, Yaren District on 24/10/68 at 7.30 a.m.
1 only	White boar about 10 months old, found straying near the Government Office, Yaren District on 25/10/68 at 6.30 a.m.
1 only	B/white boar about 9 months old, found straying at the Government Settlement, Meneng District on 25/10/68 at 7 a.m.
1 only	White female pig about 6 months old, found straying at the Government Settlement, Meneng District on 25/10/68 at 7.15 a.m.
1 only	B/white female pig about 12 months old, found straying within the B.P.C. Location School ground, Denigomodu District on 25/10/68 at 7.30 a.m.
1 only	Black boar about 24 months old, branded with a straight-cut on left ear and V-cut at right ear found straying near the main road Denigomodu District on 25/10/68 at 7.45 a.m.
1 only	White female pig about 8 months branded with end-tipped off. Its tail found straying near the No.1 Canterliver (B.P.C.) on 30/10/68 at 7 a.m.

Owners may obtain release of these animals upon proof of ownership and payment of pound fees to the undersigned. In default of such payment within seven days of the date of this notice, the animals will be sold by public auction or otherwise disposed of.

E. Ribauw
POUNDKEEPER

G.N.No.211/1968

WEEKLY RAINFALL REPORT

Herewith rainfall recorded for period:

1/1/68 - 24/10/68 = 43.10 inches

24/10/68 - 31/10/68 = 00.00 "

Total since 1/1/68 = 43.00 inches

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