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G. N. No. 529 / 2016

LEGAL PRACTITIONERS ACT 1973

PLEADERS (TRAINING AND EXAMINATION) RULES 2016

SL No. [16] of 2016

Notified: []

Table of Contents

PART 1 – PRELIMINARY MATTERS.....	3
1 CITATION.....	3
2 COMMENCEMENT.....	3
3 INTERPRETATION.....	3
PART 2 – ADMISSION AS PLEADER AND APPOINTMENT OF PERSONS TO EACH COURSE	3
4 ADMISSION AS A PLEADER.....	3
5 APPOINTMENT OF PERSON TO TEACH COURSE.....	4
PART 3 – EXEMPTIONS MADE BY CHIEF JUSTICE.....	4
6 EXEMPTION.....	4
7 PERSON TO PASS ANOTHER EXAMINATION.....	4
8 ASSESSMENT CRITERIA.....	4
9 CERTIFICATE.....	4

G. N. No. 529 / 2016 (Cont'd)

PART 3 – QUALIFICATIONS	5
10 PERSONS QUALIFIED TO BE PLEADERS.....	5
11 RULES NOT TO APPLY TO QUALIFIED PERSONS.....	5
12 PLEADER QUALIFIED UNDER RULE 4.....	5
PART 4 – REPEAL	5
13 REPEALED RULES.....	5
PART 5 – APPLICATION OF RULES	6
14 APPLICATION OF RULES.....	6
SCHEDULE 1.....	7
SCHEDULE 2.....	8

G. N. No. 529 / 2016 (Cont'd)

In exercise of the powers conferred by section 57 of the Legal Practitioners Act 1973, Chief Justice makes the following Rules:

PART 1 – PRELIMINARY MATTERS

1 Citation

These Rules may be cited as the Pleadors (Training and Examination) Rules 2016.

2 Commencement

These Rules commence on the day they are notified in the Gazette.

3 Interpretation

(1) In these Rules, unless the context otherwise requires:

'Act' means the Legal Practitioners Act 1973;

'Pleadors course' means the series of courses of instructions, examinations and training in law;

'unit' means a specific subject or area of law as specified by code number in Schedule 1 to these Rules.

PART 2 – ADMISSION AS PLEADER AND APPOINTMENT OF PERSONS TO TEACH COURSE

4 Admission as a Pleader

(1) For the purposes of section 11 of the Act, the training which a person is required to have undergone in order to qualify for admission as a Pleader is the Pleadors course which is specified in Schedule 1 to these Rules.

(2) If a person participated in part but not in whole of the Pleadors course, the Chief Justice shall determine, after consultation with the Secretary for Justice, whether such participation was sufficient for that person to be regarded as having acquired the qualification of a Pleader provided that such participation shall required successful completion of at least eighty percent of the Pleadors course and examinations thereto.

5 Appointment of person to teach course

The Secretary for Justice may appoint suitably qualified persons to teach the Pleadings course.

PART 3 – EXEMPTIONS MADE BY CHIEF JUSTICE

6 Exemption

A person who has attended the Pleadings course and has:

- (a) been unable for reasons beyond his or her control to take the examination in any one or more of the units, the Chief Justice after consultation with the Secretary for Justice may exempt that person from the requirement of passing that examination; or
- (b) taken the examination in any one or more of the units but has not passed it, the Chief Justice after consultation with the Secretary for Justice may exempt that person from the requirement of passing the examination provided the person has:
 - (i) not previously failed to take the examination otherwise than for reasons beyond his or her control; or
 - (ii) previously taken but not passed examination in two units.

7 Person to pass another examination

- (1) If the Chief Justice grants an exemption to a person under Rule 6, he or she shall require that person to pass another examination within two months from the date of notification of the results of the Pleadings course specified in Schedule 1 to these Rules.
- (2) The decision of the Chief Justice made under Rules 4, 6 and 7 shall be final.

8 Assessment criteria

The assessment criteria for each of the units shall be:

- (a) approved by the Chief Justice in consultation with the Secretary for Justice; and
- (b) made known to persons undertaking the Pleadings course before the commencement of any instruction, training and examinations.

9 Certificate

A certificate as specified in Schedule 2 to the Rules shall be conferred on a person who successfully completes the Pleadings course.

PART 3 – QUALIFICATIONS

10 Persons qualified to be Pleaders

A person who has obtained a Diploma in Legal Studies from a University may satisfy the requirements of training and examinations for the purposes of section 11 of the Act to be qualified for admission as a Pleader if the Chief Justice so decides in his or her deliberate judgment.

11 Rules not to apply to qualified persons

These Rules do not affect or apply to persons who are already qualified and admitted to practice law as a Pleader.

12 Pleader qualified under Rule 4

A Pleader who has qualified under Rule 4 shall:

- (a) be admitted to practice law under supervision of a practitioner for 12 months before commencing practice on his or her own accord;
- (b) have an unrestricted right to appear in the District Court;
- (c) not appear before the Supreme Court for the purposes of conducting any hearing in chambers or in trial for at least 12 months after admittance to practice law unless accompanied by a Pleader with not less than 5 years practise or a Barrister and Solicitor duly admitted to practice law.

PART 4 - REPEAL

13 Repealed Rules

The following Rules are repealed:

- (a) Legal Practitioners Act 1973 – Pleaders (Training and Examinations) Rules 1975;
- (b) Legal Practitioners Act 1973 – Pleaders (Training and Examinations) (Amendment) Rules 1976;
- (c) Legal Practitioners Act 1973 – Pleaders (Training and Examinations) (Amendment) (No 2) Rules 1976;
- (d) Legal Practitioners Act 1973 – Qualification of Pleaders Order 1995;
- (e) Legal Practitioners Act 1973 – Pleaders (Training and Examinations) Rules 2014.

PART 5 – APPLICATION OF RULES

14 Application of rules

These rules shall apply to all persons who have enrolled to undertake the study of the Pleaders course pursuant to the Legal Practitioners Act 1973 and the Pleaders (Training and Examinations) Rules 2014 during the years 2015 and 2016.

SCHEDULE 1

UNITS OF PLEADERS COURSE

CODE	Units
NLP01	Introduction to the Law
NLP02	Constitution and Administrative Law
NLP03	Criminal Law and Procedure
NLP04	Contracts
NLP05	Land Law
NLP06	Torts
NLP07	Equity, Trusts, Wills and Succession
NLP08	Family Law
NLP09	Ethics
NLP10	Evidence
NLP11	Civil Procedure and Practice

G. N. No. 529 / 2016 (Cont'd)

SCHEDULE 2



REPUBLIC OF NAURU

[name]

has been this day conferred the

PLEADER'S CERTIFICATE

having fulfilled the instruction, examinations and training prescribed by Section 11 of the *Legal Practitioner Act 1973* and *Pleaders (Training and Examinations) Rules 2016*.

Dated this day of 20...

Honourable Chief Justice

Secretary for Justice
