

REPUBLIC OF KIRIBATI.  
(No. 5 of 1980).

I assent.

*J. Tabua*  
Beretitenti.  
26 August, 1980.

AN ACT TO AMEND THE CRIMINAL PROCEDURE CODE SO AS TO ALLOW COMPENSATION TO BE GIVEN TO A PERSON CHARGED WITH AN OFFENCE AND NOT CONVICTED, TO MAKE UP FOR LOSS AND TROUBLE CAUSED BY THE CHARGE.

Commencement: 26 August, 1980.

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title.

1. This Act may be cited as the Criminal Procedure (Amendment) Act, 1980.

Compensation in certain cases  
Amendment of section 154  
(1980: 8)

2. Section 154 of the Criminal Procedure Code is amended by adding at the end the following subsections -

"(2) When a case is dismissed other than under the provisions of S. 38 of the Penal Code or an accused is acquitted, the court may order that the Republic pay to the accused person a reasonable sum for the trouble and expenses to which -

- (a) he or his family and dependants, or any of them; or
- (b) any person acting on his behalf or on behalf of his family and dependants, or any of them, or acting reasonably in his or their interests,

has been put by reason of the charge.

"(3) The provisions of subsections (1) and (2) apply to the withdrawal of a charge or the entry of a nolle prosequi without the substitution of a new charge in the same way that they apply to the dismissal of a case."

Appropriation.

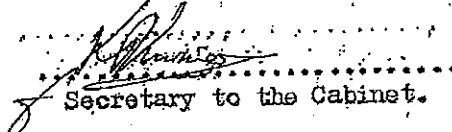
3. Nothing in this Act shall be taken to charge the Consolidated Fund or any other public fund of Kiribati with the amount of any compensation payable under this Act, and any such amount shall be paid only out of any money appropriated by the Maneaba ni Maungatabu for that purpose, or for a purpose that includes that purpose.

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Naungatabu on 20 August, 1980, and is found by me to be a true and correctly printed copy of the said Bill.



.....  
Clerk to the Maneaba ni  
Naungatabu.

Published by exhibition at the Public Office of the  
Heretitenti this 26 day of August, 1980.



.....  
Secretary to the Cabinet.

## CRIMINAL PROCEDURE (AMENDMENT) ACT 1980

### EXPLANATORY MEMORANDUM

The purpose of this Act is simply to have compensation made to a person for any loss of wages, etc., and for the value of any additional trouble caused to him or his family, if a criminal charge is brought against him and later the charge is found to be a mistaken one.

The compensation is to be made by the Government, and is to be made even if the person who brought the charge was acting properly, if the charge was a mistaken one.

#### Section 2.

Section 154 of the Criminal Procedure Code already allows a court to award compensation if a charge is "frivolous or vexatious". Section 2 of this Bill extends the section to cover cases of the dismissal or withdrawal of a charge.

It should be noted that the proposed new subsection (3) has the effect of also extending the existing provision relating to the dismissal of "frivolous or vexatious" charges to the withdrawal of such charges or the entry of a nolle prosequi.

#### Section 3.

This is a technical section to get around the problem caused by section 68(2) of the Constitution. It requires that the money necessary to pay compensation must be given by the Maneaba ni Maungatabu to the Government in an ordinary Appropriation Act. Otherwise, only a Minister could allow the Bill to be introduced.

Michael Jennings  
Attorney General

CRIMINAL PROCEDURE (AMENDMENT) ACT, 1980

LEGAL REPORT

I hereby certify my opinion that this Act does not conflict with any of the provisions of the Constitution and may properly be assented to by the Beretitenti.

Michael Jennings  
Attorney General  
21 August, 1980