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G.N.No. 463/2025

**NATIONAL DISASTER RISK MANAGEMENT (DECLARATION OF STATE OF DISASTER FOR THE MANAGEMENT AND MINIMISATION OF THE IMPACTS OF UXO) REGULATIONS 2025**

**SL No. 14 of 2025**

Notified: 28 April 2025

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The Cabinet makes the following Regulations under Sections 82 and 86 of the *National Disaster Risk Management Act 2016* to give effect to any *Declaration of State of Disaster* declared under Section 26 of the Act.

## PART 1 – PRELIMINARY

### 1 Citation

These Regulations may be cited as the *National Disaster Risk Management (Declaration of State of Disaster for the management and minimisation of the impacts of UXO) Regulations 2025*.

### 2 Commencement

These Regulations commence on the date of its publication in the Gazette.

### 3 Interpretation

(1) In these Regulations:

**'Act'** means the *National Disaster Risk Management Act 2016*;

**'authorised officer'** has the same meaning given to it under Section 3 of the Act;

**'Declaration'** means any *Declaration of State of Disaster* made under Section 26 of the Act in relation to the removal of any UXO;

**'fixed penalty'** means the penalty payable by a person who is issued a fixed penalty notice for the commission of a strict liability offence;

**'fixed penalty notice'** means the Fixed Penalty Notice issued to a person under these Regulations;

**'legal practitioner'** has the meaning given to it under Section 4 of the *Legal Practitioners Act 2019*.

(2) In these Regulations, words and phrases have the same meaning as those under the Act.

### 4 Application

These Regulations shall only be enforced during the period a Declaration is in force.

## PART 2 – FIXED PENALTY NOTICES

### 5 Fixed penalty offences

A person commits a fixed penalty offence where he or she contravenes:

- (a) an order or direction made under these Regulations; or
- (b) a direction made by an authorised officer exercising his or her powers under an Authorisation made under the Act.

### 6 Fixed penalties

The penalties for contravention of:

- (a) an order, shall be \$500;

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- (b) a direction, shall be \$500; or
- (c) direction made by an authorised officer exercising his or her powers under an Authorisation, shall be \$500.

**7 Person liable to be issued with a fixed notice and pay the fixed penalty**

A person who commits a fixed penalty offence shall be:

- (a) issued a fixed penalty notice; and
- (b) liable to pay a fixed penalty for that offence.

**8 Procedure for issuance and payment of fixed penalty notice**

- (1) An authorised officer shall issue a fixed penalty notice in the form as set out in the Schedule, to the person who committed the fixed penalty offence.
- (2) A fixed penalty notice shall:
  - (a) state the place, date and time of the strict liability offence;
  - (b) state:
    - (i) the given names and surname of the individual; and
    - (ii) the district of the individual to whom the notice is issued;
  - (c) state the fixed penalty to be paid;
  - (d) state the place where the fixed penalty is to be paid, or the manner in which the fixed penalty is to be paid;
  - (e) require the person to whom the fixed penalty notice is issued to pay within 14 days from the date on which the fixed penalty notice is issued to the person; and
  - (f) state the date of issuance of the fixed penalty notice.
- (3) Where a fixed penalty notice served upon a person has not been accepted by payment of the fixed penalty within 14 days of the date of the fixed penalty notice, the notice shall be regarded for all purposes as a summons issued under the *Criminal Procedure Act 1972*.
- (4) Where legal proceedings are instituted against a person under subregulation (3), the person may:
  - (a) represent himself or herself; or
  - (b) be represented by a legal practitioner.
- (5) The authorised officer who issues a fixed penalty notice shall cause a signed copy of the fixed penalty notice to be produced before the Nauru Revenue Office and the District Court no later than 14 days after the date of issuance of the fixed penalty notice.
- (6) A person who is issued a fixed penalty notice by an authorised officer shall accept the notice by signing for the service of such notice.

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- (7) A person who does not accept a fixed penalty notice when it is issued to him or her commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or a term of imprisonment not exceeding 5 years or both, in addition to the fixed penalty.

**9 Evidence of fixed penalty notices being issued, paid or not paid.**

- (1) An affidavit purporting to be made before the Resident Magistrate or Commissioner for Oaths that a fixed penalty notice has been issued shall be admissible in evidence and the statements made on the fixed penalty notice shall be deemed to be correct unless and until the contrary is proved and the fixed penalty notice shall be annexed to the affidavit or the affidavit may be endorsed on the same paper as the fixed penalty notice.
- (2) In any proceedings, a certificate signed by the Registrar of Courts, Nauru Revenue Office, an authorised officer or a police officer that the fixed penalty is or is not paid shall, unless the contrary is proved, be conclusive evidence of the matters stated in the certificate

**10 Payment of fixed penalties**

- (1) A person who is issued a fixed penalty notice under regulation 8 shall:
- (a) pay the fixed penalty to the Nauru Revenue Office; and
  - (b) provide a copy of the official receipt to the Registrar of Courts.
- (2) Where a person provides a copy of the official receipt under subregulation (1), the Registrar of Courts shall not list the offender's case before the Resident Magistrate.

**11 Failure to comply with fixed penalty notices**

Where a person who is issued a fixed penalty notice under Regulation 8 fails to pay the fixed penalty within the required time, he or she shall:

- (a) be summoned to attend court; and
- (b) in addition to the fixed penalty, upon conviction be liable to a fine not exceeding \$50,000 or a term of imprisonment not exceeding 5 years or both.

**PART 3 – MISCELLANEOUS**

**12 Jurisdiction**

The District Court shall have the jurisdiction to hear and determine any cause or matter under these Regulations or any orders made or directions issued under these Regulations.

**13 Orders**

- (1) The Minister may make orders to manage and minimise the impacts of the Disaster or as may be necessary to give effect to the Act.
- (2) Any order made under subregulation (1) shall be published in the Gazette.

**14 Directions**

- (1) The Minister may issue directions to manage and minimise the impacts of the Disaster, or as may be necessary to give effect to the Act, these Regulations, the Declaration or any orders made under these Regulations.
- (2) Any direction issued under subregulation (1) shall be published in the Gazette.

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**15 Criminal and civil proceedings to continue despite Declaration ending**

Notwithstanding the expiration or ending of a Declaration, any proceedings commenced or any action taken under that these Regulations and such orders or directions made under these Regulations prior to its expiration or repeal shall continue and may be carried out as if the law were still in force.

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**SCHEDULE**



**Republic of Nauru**

National Disaster Risk Management Act 2008  
National Disaster Risk Management Regulations 2025

[Regulation 8(1)]

**FIXED PENALTY NOTICE**

<p><b>PART 1: OFFENCE DETAILS</b></p> <p>Offender: Surname: ..... Given Names: ..... District: ..... Nature of Offence: ..... Place: ..... Date: ...../...../20..... Time: ..... Details of the circumstances alleged to constitute the offence: ..... ..... .....</p>
<p>Fixed Penalty: \$ ..... Authorised Officer's Signature: ..... Authorised Officer's Name: ..... Date: ...../...../20..... Acknowledgement of Service of Fixed Penalty Notice by: Name and Signature: ..... <i>(If a person refuses to accept this Fixed Penalty Notice, an Authorised Officer may note the refusal of acceptance)</i></p> <p><b>Note:</b></p> <p>1. This Fixed Penalty Notice shall only be served to the offender at the time of the offence or as soon as practicable. 2. If the offender refuses to accept the Notice, he or she commits an offence under Regulation 7(7) for which he or she is liable to a fine not exceeding \$50,000 or a term of imprisonment not exceeding 5 years or both, in addition to the fixed penalty.</p>
<p><b>PART 2: TIME FOR PAYMENT OF PENALTY</b></p> <p>A. Take notice that the penalty shall be paid to the Nauru Revenue Office within 14 days of the date of the issuance of this Fixed Penalty Notice. B. Contesting this Fixed Penalty Notice: If you intend to defend or contest this Fixed Penalty Notice, you are to appear in person or by a legal representative in court on the date and at the time provided in Part 2.</p>
<p><b>PART 3: NOTICE TO ATTEND TO COURT</b></p> <p>Take notice that if you fail to pay the fixed penalty or intend to contest or defend this Fixed Penalty, you shall attend the District Court at Yaren on the ..... day of ..... 20 ..... at ... .am/pm for the hearing. If you fail to attend to the hearing, the court shall proceed to the hearing of the Fixed Penalty Notice in your absence and may impose a fine or term of imprisonment or both in accordance with the <i>National Disaster Risk Management (Declaration of State of Disaster for the management and minimisation of the impacts of UXO Regulations) 2025</i>. If you fail to abide by any order of the court, you shall be arrested under a committal warrant without any further notice.</p>

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**AFFIDAVIT OF SERVICE**

I ..... Authorised Officer make oath/solemnly affirm that I did on the. ....  
..... day of ..... 20 ..... served the offender ..... the original of this Fixed Penalty  
Notice at ..... (time) on (date) ..... AND he/she acknowledged  
service by affixing his/her signature to this Fixed Penalty Notice.

Authorised Officer: .....

Before me: .....

(Commissioner for Oaths)