

**REPUBLIC OF KIRIBATI**  
(No. 3 of 1997)

I assent,

Beretitenti  
*Assented: 4<sup>th</sup> July 1997*

**AN ACT TO PROVIDE FOR THE PRIVILEGES AND IMMUNITIES OF THE  
BERETITENTI AS THE HEAD OF STATE AND THE HEAD OF  
GOVERNMENT FROM ANY CIVIL PROCEEDINGS OF ANY KIND  
WHATSOEVER**

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

**Short Title**

1. This Act may be cited as the Beretitenti (Immunities from Civil Proceedings) Act 1997.

**Interpretation**

2. In this Act, unless the context otherwise requires –

“civil proceedings” means any matter brought before any court which is not a criminal proceeding but shall exclude –

- (a) any election petition brought under the Election of Beretitenti Act (Cap. 29A) and the Elections Ordinance (Cap. 29B); and
- (b) any appeal that may arise from any decision of a court in any civil proceeding delivered before the Beretitenti assumes office.

“term of office of the Beretitenti” means the term of office of the Beretitenti as provided for under section 33 of the Constitution.

### **Immunity from civil proceedings**

**3.** (1) The Beretitenti as the Head of State and the Head of Government shall be accorded immunity from any civil proceedings of any kind during the term of office of the Beretitenti.

(2) Any civil proceedings brought or instituted against the Beretitenti commenced within a period of 6 months before he assumes office as the Beretitenti shall be deemed to have been stayed or suspended until such time as his term of office expires.

(3) Any statutory limitation on the period within which a civil proceeding may be brought or instituted against the Beretitenti shall be suspended during the term of office of the Beretitenti.

(4) Nothing in this section shall operate to prevent any cause of action that may have accrued either before or during the term of office of the Beretitenti from enuring after his term of office has expired.

### **Beretitenti not to institute any civil proceedings during his term of office**

**4.** (1) The Beretitenti as the Head of State and Head of Government shall not be entitled to institute or commence any civil proceedings during the term of office of the Beretitenti.

(2) Any statutory limitation on the period within which a civil proceeding may be brought or instituted by the Beretitenti shall be suspended during the term of office of the Beretitenti.

(3) Nothing in this section shall operate to prevent any cause of action that may have accrued during the term of office of the Beretitenti from enuring after his term of office has expired.

### **Savings**

**5.** Any civil proceedings instituted against the Beretitenti before the commencement of this Act and any appeal that may arise from such civil proceedings may be continued as if this Act had not been passed.

# **BERETITENTI (IMMUNITIES FROM CIVIL PROCEEDINGS) ACT 1997**

## **EXPLANATORY MEMORANDUM**

1. The principal object of this Act is to accord the Beretitenti as the Head of State and the Head of Government of Kiribati protection or immunity from suit or being sued during his term of office. (Section 3).
2. The protection or immunity given however extends and covers only the period during which person is the Beretitenti, when Parliament is dissolved and the office of the Beretitenti is vacant. (Section 3).
3. An election petition and an appeal arising from cases brought against the Beretitenti before he assume office or brought by the Beretitenti himself during his term of office are exempted under this Act. (Section 2).
4. However, cases brought before the Beretitenti assumes office or before the coming into effect of this Act are covered but may be revived after he ceases from holding the office of the Beretitenti. (Section 3(3)).
5. Cases already filed now before the Court (if any) will not be affected in any way if this Act becomes law. Further any appeal arising from decisions of court in these cases (if any) will follow the normal appeal ruled of court. (Section 4).

Michael N. Takabwebwe  
The Attorney General  
28 May 1996