

**FIJI REPUBLIC GAZETTE SUPPLEMENT**

No. 40

FRIDAY, 3rd DECEMBER

1993

[LEGAL NOTICE NO. 102]

**HIGH COURT ACT  
(CHAPTER 13)****HIGH COURT (AMENDMENT) (NO. 2) RULES, 1993**

In exercise of the powers conferred upon me by section 25 of the High Court Act, I hereby make the following Rules:

*Short title*

1. These Rules may be cited as the High Court (Amendment) Rules 1993 and shall come into force on the 1st day of December 1993.

*Amendment of Order 53*

2. Rule 3 of Order 53 as amended by the High Court (Amendment) Rules 1991 is revoked and replaced by the following Rule:

"Grant of leave to apply for judicial review (O.53, r.3)

3.—(1) No application for judicial review shall be made unless the leave of the Court has been obtained in accordance with this rule.

(2) An application for leave must be made to a Judge by filing in the Registry:  
(a) a notice in Form 32 and set out in the Appendix hereunder, containing a statement of:

- (i) the name and description of the applicant,
- (ii) the relief sought and the grounds upon which it is sought,
- (iii) the name and address of the applicant's solicitors (if any), and
- (iv) the applicant's address for service; and

(b) an affidavit which verifies the facts relied on.

(3) The application and affidavit must be served on all persons directly affected by the application for leave.

(4) The Judge may determine the application without a hearing, unless a hearing is requested in the notice of application, and need not sit in open Court; in any case, the Registrar shall serve a copy of the Judge's order on the applicant.

(5) Where the application for leave is refused by the Judge, or is granted on terms, the applicant may renew it by applying to a single Judge.

(6) In order to renew his application for leave the applicant must, within 10 days of being served with notice of the Judge's refusal, lodge in the Registry notice of his intention in Form 33 and set out in the Appendix hereunder.

(7) Without prejudice to its powers under Order 20, rule 8, the Court hearing an application for leave may allow the applicant's statement to be amended, whether by specifying different or additional grounds or relief or otherwise, on such terms, if any, as it thinks fit.

(8) The Court shall not grant leave unless it considers that the applicant has a sufficient interest in the matter to which the application relates.

(9) Where leave is sought to apply for an order of certiorari to remove for the purpose of its being quashed any judgment, order, conviction or other proceedings which is subject to appeal and a time is limited for the bringing of the appeal, the Court may adjourn the application for leave until the appeal is determined or the time for appealing has expired.

(10) If the Court grants leave, it may impose such terms as to costs and as to giving security as it thinks fit.

(11) Where leave to apply for judicial review is granted, then:

- (a) if the relief sought is an order of prohibition or certiorari and the Court so directs, the grant shall operate as a stay of the proceedings to which the application relates until the determination of the application or until the Court otherwise orders;
- (b) if any other relief is sought, the Court may at any time grant in the proceedings such interim relief as could be granted in an action begun by writ."

APPENDIX  
(FORM 32)

NOTICE OF APPLICATION FOR LEAVE TO APPLY  
FOR JUDICIAL REVIEW (O.53 r.3(2))

(Heading as in Form 1)

To the Chief Registrar/Registrar, High Court of Fiji

Name, address and  
description of applicant(s)

Judgment, order,  
decision or other  
proceeding in  
respect of which  
relief is sought

Relief sought

\_\_\_\_\_

\_\_\_\_\_

Name and address of applicant's solicitors, or, if no solicitors acting, the address for service of the applicant

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

GROUND ON WHICH RELIEF IS SOUGHT (if there has been any delay, include reasons here)

NOTE: Grounds must be supported by an affidavit which verifies the facts relied on.

FORM 33

NOTE OF RENEWAL OF APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW (0.53, r.3(6))

(Heading as in Form 1)

To the Chief Registrar/Registrar, High Court of Fiji.

The applicant intends to renew his application for leave to apply for Judicial Review for following reasons:

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

Received in the Registry

Note: This notice must be lodged in the Registry within 10 days of the service on the applicant or his solicitor of notice that the original application for leave has been returned.

Made at Suva this 25th day of November 1993.

T. U. TUIVAGA Chief Justice