

**FIJI**  
**HIGH COURT ACT**  
**(CHAPTER 13)**

**HIGH COURT (AMENDMENT) RULES, 1994**

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 1994 and shall come into force on the 15th day of March 1994.

*Amendment of order 53*

2. Rule 3 of Order 53 as amended by the High Court (Amendment) (No. 2) Rules 1993 is revoked and replaced by the following Rule:

*"Application for 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 upon filing in the Registry:

(a) a notice in Form 32 in the Appendix hereunder containing a statement of-

(i) the particulars of the judgment order, decision or other proceeding in respect of which judicial review is being sought;

(ii) the relief sought and the grounds upon which it is sought;

(iii) the name and description of the applicant;

(iv) the name and address of the applicant's Solicitors (if any);  
and

(v) the applicant's address for service;

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

(3) (i) Copies of the application for leave and the affidavit in support must be served on all persons directly affected by the application.

(ii) The Court may determine the application without a hearing and where a hearing is considered necessary the Court shall hear and determine the application *inter partes*

(iii) Notice of hearing of the application shall be notified in writing to the parties by the Registrar.

(iv) Where the Court determines the application without a hearing, the Registrar shall serve a copy of the order of the Court on the applicant.

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

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

(6) 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.

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

(8) 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 anytime grant in the proceedings such interim relief as could be granted in an action begun by writ."

Dated at Suva this 3rd day of March 1994.

T.U. TUIVAGA  
Chief Justice

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**APPENDIX**  
**Form 32**

Application for Leave to Apply for  
Judicial Review (O.53, r.3(2))

In the High Court of Fiji

No..... of 19.....

Between .....

Plaintiff/Applicant  
and .....  
Defendant/Respondent

To (name of Defendant/Respondent)

Take notice that the plaintiff/applicant seeks leave of the Court pursuant to Order 53 rule 3(2) of the High Court Rules to apply for judicial review of (set out particulars of the judgment, order, decision or other proceeding in respect of which judicial review is being sought) and (set out relief sought and the grounds up on which it is sought) at cetera.

Dated the ..... day of .....19....

..... (signed)  
Plaintiff/applicant or barrister  
and solicitor for plaintiff/applicant

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viz.: ..... Action No. ....of 199... .

**IMPORTANT**

**NOTE:** If you oppose this application detach and return the bottom portion to the High Court registry within 2 days of receipt.

The defendant/respondent opposes this application on the following ground(s):

.....  
(set out the grounds on which leave is opposed)

Dated the ..... day of ..... 19.... .

..... (Signed)  
Defendant/Respondent or Barrister  
and Solicitor for Defendant/Respondent

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