

Administrative Justice

Cap. 109B.

**JUDICIAL REVIEW (APPLICATION)
RULES, 1983**

1983/97.

Arrangement of Rules

Rule

1. Citation
2. Mode to apply for judicial review
3. Service of notice of motion etc.
4. Affidavits etc.
5. Hearing of application

Administrative Justice

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RULES, 1983**

1983/99.

Authority: These rules were made on 14th June, 1983 by the Judicial Advisory Council under section 12 of the *Administrative Justice Act*.

Commencement: 7th July, 1983.

1. These Rules may be cited as the *Judicial Review (Application) Rules, 1983*. Citation.

2. (1) An application for judicial review must be made by originating motion to the High Court, except in vacation when it may be by originating summons to a judge in chambers. Mode to apply for judicial review.

(2) An application under paragraph (1) must be supported

(a) by a statement, setting out the name and description of the applicant, the relief sought and the grounds on which it is sought; and

(b) by affidavit, to be filed before the application is made, verifying the facts relied on.

(3) The applicant must give notice of the application to the Attorney General not later than the day before the application is made, and must at the same time furnish the Attorney-General with copies of the statement and every affidavit in support.

3. (1) The notice of motion or summons must be served on all persons directly affected. Service of notice of motion etc.

(2) There must be at least 14 days between the service of the notice of motion or summons and the day named therein for the hearing.

(3) An affidavit giving the names and addresses of, and the places and dates of service on, all persons who have been served with the notice of motion or summons must be filed before the motion or summons is entered for hearing and, if any person who ought to be served under this rule has not been served, the affidavit must state that fact and the reason for it; and the affidavit

must be before the Court on the hearing of the motion or summons.

(4) Where on the hearing of the motion or summons, the Court is of opinion that any person who ought, whether under this rule or otherwise, to have been served has not been served, the Court may adjourn the hearing on such terms (if any) as it may direct in order that the notice or summons may be served on that person.

Affidavits
etc.

4. (1) Copies of the statement in support of an application under rule 2 must be served with the notice of motion or summons and, subject to paragraph (2), no grounds shall be relied upon or any relief sought at the hearing except the grounds and the relief set out in the statement.

(2) The Court may on the hearing of the motion or summons allow the applicant to amend his statement, whether by specifying different or additional grounds or relief or otherwise, on such terms, if any, as it thinks fit, and may allow further affidavits to be used if they deal with new matters arising out of an affidavit of any other party to the application.

(3) Where the applicant intends to ask to be allowed to amend his statement or to use further affidavits, he shall give notice of his intention and of any proposed amendments to every other party.

(4) Each party to the application must supply to every other party on demand and on payment of the proper charges copies of every affidavit which he proposes to use at the hearing, including, in the case of the applicant, the affidavit in support of the application under rule 2.

Hearing of
application.

5. (1) On the hearing of any motion or summons under rule 2, any person who desires to be heard in opposition to the motion or summons, and appears to the Court to be a proper person to be heard, shall be heard, notwithstanding that he has not been served with notice of the motion or the summons.

(2) Where the relief sought is or includes an order of certiorari to remove any proceedings for the purpose of quashing them, the applicant may not question the validity of any administrative act or omission unless before the hearing of the motion or summons he has furnished the Attorney-General with a copy thereof verified by affidavit or he accounts for his failure to do so to the satisfaction of the Court hearing the motion or summons.

(3) Where an order of certiorari is made in any case referred to in paragraph (2), the order shall, subject to the provision of the Act, direct that the proceedings shall be quashed forthwith on their removal into the High Court.

Made by the Judicial Advisory Council this fourteenth day of June, 1983.

W. R. DOUGLAS
Chief Justice

D. A. WILLIAMS
Judge

C. S. HUSBANDS
Judge

L. I. WORRELL
Judge

C. O. TULLOCH
Solicitor General

Y. A. BANNISTER
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