



Supreme Court Act 1981

1981 CHAPTER 54

PART II

JURISDICTION

THE HIGH COURT

Other particular fields of jurisdiction

31 Application for judicial review

- (1) An application to the High Court for one or more of the following forms of relief, namely—
 - (a) an order of mandamus, prohibition or certiorari;
 - (b) a declaration or injunction under subsection (2); or
 - (c) an injunction under section 30 restraining a person not entitled to do so from acting in an office to which that section applies,shall be made in accordance with rules of court by a procedure to be known as an application for judicial review.
- (2) A declaration may be made or an injunction granted under this subsection in any case where an application for judicial review, seeking that relief, has been made and the High Court considers that, having regard to—
 - (a) the nature of the matters in respect of which relief may be granted by orders of mandamus, prohibition or certiorari;
 - (b) the nature of the persons and bodies against whom relief may be granted by such orders ; and
 - (c) all the circumstances of the case,it would be just and convenient for the declaration to be made or the injunction to be granted, as the case may be.
- (3) No application for judicial review shall be made unless the leave of the High Court has been obtained in accordance with rules of court; and the court shall not grant leave to

Status: This is the original version (as it was originally enacted).

make such an application unless it considers that the applicant has a sufficient interest in the matter to which the application relates.

- (4) On an application for judicial review the High Court may award damages to the applicant if—
- (a) he has joined with his application a claim for damages arising from any matter to which the application relates; and
 - (b) the court is satisfied that, if the claim had been made in an action begun by the applicant at the time of making his application, he would have been awarded damages.
- (5) If, on an application for judicial review seeking an order of certiorari, the High Court quashes the decision to which the application relates, the High Court may remit the matter to the court, tribunal or authority concerned, with a direction to reconsider it and reach a decision in accordance with the findings of the High Court.
- (6) Where the High Court considers that there has been undue delay in making an application for judicial review, the court may refuse to grant—
- (a) leave for the making of the application ; or
 - (b) any relief sought on the application,
- if it considers that the granting of the relief sought would be likely to cause substantial hardship to, or substantially prejudice the rights of, any person or would be detrimental to good administration.
- (7) Subsection (6) is without prejudice to any enactment or rule of court which has the effect of limiting the time within which an application for judicial review may be made.