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**JUDICIAL REVIEW PROCEDURE RULES  
(AMENDMENT) ORDER 2016**

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In exercise of powers in section 9(1) of the Courts (Judicial Review) Ordinance 2004<sup>(a)</sup> the Administrator, with the advice and approval of the Presiding Judge, makes the following Order—

**Citation**

1. This Order may be cited as the Judicial Review Procedure Rules (Amendment) Order 2016.

**Commencement**

2. This Order comes into force on 25 January 2016.

**Interpretation**

3. In this Order, the “principal Rules” means the Judicial Review Procedure Rules 2007<sup>(b)</sup>.

**Amendment to principal Rules**

4. The principal Rules are amended in accordance with articles 5 to 18.

**Rule 4 (when this order must or may be used and requirement for leave) amended**

5. In rule 4(1), for “rule 3” substitute “paragraph (2)”.

**Rule 5 (permission to proceed) amended**

- 6.—(1) Rule 5 (including the heading) is amended as follows.  
(2) In both the heading and the rule for “permission” substitute “leave”.

**Rule 6 (time limit for filing claim) amended**

- 7.—(1) Rule 6 is amended as follows.  
(2) In paragraph (2), for “rule 4(1)(b)” substitute “paragraph (1)(b)”.  
(3) In paragraph (5)—
  - (a) for “rule 19” substitute “rule 20”;
  - (b) for “rule 4(1)” substitute “paragraph (1)”.

**Rule 7 (beginning a claim) amended**

- 8.—(1) Rule 7(4) is amended as follows.

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(a) Ordinance 10/2004, amended by Ordinance 8/2012.  
(b) Public instrument 19/2007.

- (2) At the end of paragraph (g) omit “and”;
- (3) Omit the full stop at the end of paragraph (h) and insert “; and”;
- (4) After paragraph (h) add—
  - (i) in the case of an application for urgent consideration, the form set out in Schedule 1A.”

**Rule 8 (service of claim) amended**

- 9.—(1) Rule 8 is amended as follows.
- (2) Renumber the existing rule 8 as paragraph (1) of rule 8.
  - (3) In the renumbered paragraph (1), for “The claim form” substitute “Subject to rule 7(6) and paragraph (2), the claim form and the documents referred to in rule 7(5)”.
  - (4) After the renumbered paragraph (1), insert—
    - “(2) If an application is made for urgent consideration, service under paragraph (1) must be effected within such period as the court may direct.”

**Rule 9 (acknowledgment of service) amended**

- 10.—(1) Rule 9 is amended as follows.
- (2) In paragraph (2) for “Any” substitute “Subject to paragraph (2A), any”.
  - (3) For paragraph (2)(b)(ii) substitute—
    - “(ii) unless the court otherwise directs, any other person named in the claim form.”
  - (4) After paragraph (2) insert—
    - “(2A) If an application for urgent consideration is made, filing and service under paragraph (2) must be effected within such period as the court may direct.”

**Rule 10 (failure to file acknowledgment of service) amended**

- 11.—(1) Rule 10 is amended as follows.
- (2) In paragraph (1) for “rule 7” substitute “rule 9”.
  - (3) In paragraph (1)(b) for “rule 13” substitute “rule 15”.

**Rule 13 (leave decision without a hearing) amended**

12. In rule 13(2), for “rule 10” substitute “rule 12”.

**Rule 20 (transfer) amended**

13. In rule 20 for “Judge’s Court” wherever it appears substitute “Resident Judge’s Court”.

**Rule 21 (appeals against refusal to grant leave) amended**

- 14.—(1) Rule 21 is amended as follows.
- (2) In paragraph (1)—
    - (a) for “by a single Judge in the Senior Judges’ Court” substitute “under rule 13(3)”;
    - (b) omit “different”;
    - (c) for “leave to appeal” substitute “permission to appeal”.
  - (3) In paragraph (2) omit “the single Judge of”.
  - (4) After paragraph (2) insert—

“(2A) The claimant making an application under paragraph (1) must file four copies of an indexed and paginated bundle containing—

- (a) the application for permission to appeal;
- (b) the decision or decisions refusing leave to apply to for judicial review; and
- (c) the documents referred to in rule 7(3) and (4).”

(5) Omit paragraph (5).

**Rule 22 (appeals against Judicial Review Order) amended**

**15.**—(1) Rule 22 is amended as follows.

(2) In paragraph (1) for “leave” both times it appears substitute “permission”.

(3) In paragraph (2), for “to grant or refuse the Order” substitute “appealed against”.

(4) After paragraph (2) insert—

“(2A) The claimant or defendant making an application under paragraph (1) must file four copies of an indexed and paginated bundle containing—

- (a) the application for permission to appeal;
- (b) the decision appealed against; and
- (c) any other documents relied upon.”

(5) Omit paragraphs (4) and (5).

**Rule 24 (power to make order) amended**

**16.** In rule 24(2) omit “personally”.

**Schedule 1 (judicial review claim form) amended**

**17.**—(1) The judicial review claim form in Schedule 1 is amended as follows.

(2) In section 4 of the form, in the subsection relating to exceptional urgency for “complete Form [ ]” substitute “complete Form EU”.

(3) In section 9 of the form, after “Please tick the papers you are filing with this claim form” insert “and”.

**Insertion of Schedule 1A**

**18.** After Schedule 1 insert the Schedule to this Order.

**Transitional provision**

**19.**—(1) Subject to paragraph (2), the amendments to the principal Rules made by this Order apply in relation to all proceedings to which they relate.

(2) Where an application is made under rule 22(5) of the principal Rules before the day this Order comes into force, rule 22(4) and 22(5) of the principal Rules continues to apply.

**SCHEDULE**

Rule 16

**Insertion of Schedule 1A**

**“SCHEDULE 1A**

Rule 7(4)(i)

**Exceptional Urgency**

The form to be completed where exceptional urgency is claimed is set out below.

**Judicial Review Form EU**

**Application for urgent consideration**

This form must be completed by the claimant or the claimant’s advocate if exceptional urgency is being claimed and the application needs to be determined within a certain time scale.

**To the defendant(s) and interested party(ies) Representation as to the urgency of the claim** may be made by defendants or interested parties to the Senior Judges’ Court.

<b>In the Senior Judges’ Court of the Sovereign Base Areas</b>	
<b>Claim No.</b>	
<b>Claimant(s) (including ref.)</b>	
<b>Defendant(s)</b>	
<b>Interested Party(ies)</b>	

**Section 1 Reason for urgency**

**Section 2 Proposed timetable (tick the boxes and complete the following statements that apply)**

(a)  Urgency (including abridgement of time for acknowledgement of service) is sought and this application should be considered within \_\_\_\_\_ hours/ days

If consideration is sought within 48 hours of issue, **you must complete section 3 below.**

(b)  Interim relief is sought and the application for such relief should be considered within \_\_\_\_\_ hours/days

If consideration is sought within 48 hours of issue, **you must complete section 3 below.**

(c)  The judicial review claim form application for permission should be considered within \_\_\_\_\_ hours/days

If consideration is sought within 48 hours of issue, **you must complete section 3 below.**

(d)  If permission for judicial review is granted, a substantive hearing is sought by [\_\_\_\_\_] *enter date*

**Section 3 Justification for request for immediate consideration**

Date and time when it was first appreciated that an immediate application might be necessary.

*Date*

*Time*

Please provide reasons for any delay in making the application

What efforts have been made to put the defendant and any interested party on notice of the application?

**Section 4 Interim relief** (*state what interim relief is sought and why in the box below*)

A draft order must be attached

I confirm that all relevant facts have been disclosed in this application

Claimant (claimant's advocate)

*Name*

Claimant (claimant's advocate)

*Signed*

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Dated this 12 day of January 2016

M. Wigston,  
Administrator,  
Sovereign Base Areas.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

1. This explanatory note relates to Judicial Review Procedure Rules (Amendment) Order 2016 (the “Order”). It has been prepared by the office of the Attorney General and Legal Adviser in order to assist the reader of the Order. It does not form part of the Order.

2. The Order amends the Judicial Review Procedure Rules 2007 (the “principal Rules”). It corrects a number of errors and omissions in the principal Rules. In particular, the Order provides for a procedure for making an application for judicial review of exceptional urgency. In addition, it clarifies the procedure for applying for permission to appeal a refusal to grant leave to proceed with a judicial review claim and clarifies and modifies the procedure for seeking to permission to appeal the grant or refusal of a judicial review order under rules 21 and 22. The appellant seeking permission to appeal is required to file four copies of a paginated and indexed bundle containing the application for permission, the decision appealed against and other relevant documents.

SBA/AG/CT/260/1

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Published by the Sovereign Base Areas Administration  
The Sovereign Base Areas Gazette may be viewed on the official Sovereign Base Areas Administration  
web site: <http://sbaadministration.org/>