

31 MAY 2012, 6 PM

**MEDIA FACT SHEET  
JUDICIAL REVIEW PROCEEDINGS**

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**What is judicial review?**

1. Judicial review is a process by which the High Court exercises supervisory jurisdiction over individuals/bodies (“public bodies”) that perform public functions and duties. It is a two stage process, brought under Order 53 of the Rules of Court (Cap. 322, R 5, 2006 Rev Ed) (“ROC”).

**What is the first stage?**

2. An applicant must first apply for leave (i.e. permission) from the High Court to apply for the prerogative orders. This is referred to as the “leave stage”. The application for leave is heard by a single High Court Judge in chambers.

**What are the documents for the leave application?**

3. The application for leave should be filed by way of a formal legal document known as an “originating summons”. The originating summons must be supported by a statement which sets out the name and description of the applicant, the relief(s) sought and the grounds upon which the reliefs are sought. A supporting affidavit - being a written declaration of facts confirmed by oath or affirmation - verifying the facts relied on by the applicant must also be filed.

### **What happens at the hearing for the leave application?**

4. The purpose of the requirement of obtaining leave is intended to be a means of filtering out groundless cases at an early stage. Its aim is to prevent a wasteful use of judicial time. While the threshold is not high at the leave stage, it is well-established that the evidence before the Court cannot be skimpy or vague. The fullest evidence and strongest arguments ought to be placed before the Court. The applicant must show, at the leave stage, that the grounds for judicial review are real as opposed to theoretical possibilities.

### **What is the second stage?**

5. If leave (i.e. permission) is granted by the High Court to the applicant, the applicant may then proceed to file an application known as a “summons” to seek the prerogative orders (“the relief claimed”). This second stage is known as the “substantive application”. The substantive application will usually be heard in open court before a single High Court Judge.

### **What are the preparations for the substantive application?**

6. The applicant must file the summons making the substantive application within 14 days after he is granted leave, failing which the leave granted to him lapses. The applicant must serve (i) the summons in which he makes the substantive application; (ii) the originating summons; (iii) the statement; (iv) the supporting affidavit; and (v) the order granting leave, to all persons directly affected. There must be at least 8 clear days between the date of the service of the summons and the date of the hearing of the substantive application.

### **What happens at the hearing for the substantive application?**

7. At the hearing for the substantive application, the applicant will only be allowed to rely on the grounds set out (e.g. illegality, breach of natural justice and irrationality) and relief claimed in his statement unless the Court grants him leave (i.e. permission) to amend the statement. The Court may also permit further affidavits to be filed.

### **What are the remedies available?**

8. The remedies that an applicant may apply for are a “Mandatory Order”, “Prohibiting Order” or “Quashing Order”. Generally, a Mandatory Order is an order obliging a public body to exercise its duties or to perform specific acts or to consider exercising a discretionary power as required by law. Generally, a Prohibiting Order is an injunctive order directed at a prospective act or decision which would be in breach of natural justice, unlawful or irrational at law. Generally, a Quashing Order is an order quashing or setting aside illegal decisions or acts. These are known as “prerogative orders”. In his substantive application, the applicant may also include an application for a declaration as a form of relief in addition to his application for the prerogative orders.

### **Can parties file other applications in proceedings?**

9. Between the time when the applicant first files his originating summons seeking leave and the hearing of his substantive application, both the applicant and the party affected may make other appropriate applications pursuant to the relevant rules, to seek the necessary orders and directions from the Court.

### **Can there be appeals against orders and decisions?**

10. There can be appeals against orders and decisions of the High Court, which will be heard by the Court of Appeal.

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