

No. R. 966

9 October 2009

**PROMOTION OF ADMINISTRATIVE JUSTICE ACT 3 OF 2000****RULES OF PROCEDURE FOR JUDICIAL REVIEW OF ADMINISTRATIVE  
ACTION**

In accordance with section 7(3) of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) the Rules Board has made the rules in the schedule and the Minister and Parliament have approved them.

**SCHEDULE****Preamble**

Section 33(1) of the Constitution guarantees everyone the right to administrative action that is lawful, reasonable and procedurally fair. The Promotion of Administrative Justice Act, 3 of 2000 gives effect to that right and section 7 of the Act requires the Rules Board for Courts of Law to make rules of procedure for judicial review subject to the approval of the Minister and Parliament. The Rules Board has made the rules and the Minister and Parliament have approved them. These rules provide a procedure to facilitate proceedings for judicial review.

**Arrangement of rules****Part A: Application of rules and definitions**

- 1 Application of rules
- 2 Definitions

**Part B: Request for reasons and disclosure**

- 3 Request for reasons
- 4 Request for disclosure
- 5 Application for variation of time
- 6 Application for reasons
- 7 Application to compel disclosure and access

**Part C: Application for judicial review**

- 8 Application for judicial review
- 9 Opposition and reply

**Part D: General**

- 10 Form of affidavit
- 11 Conference
- 12 Discovery of documents during proceedings
- 13 Bundle of documents
- 14 Power of court to give directions
- 15 Title and commencement

## PART A: APPLICATION OF RULES AND DEFINITIONS

### 1. Application of Rules

- (1) These rules apply to proceedings for judicial review in the High Court, the Labour Court or the Magistrates' Courts.
- (2) In an application for judicial review in a court other than one referred to in sub-rule (1), the court may adapt these rules to suit its particular requirements and procedures.
- (3) If in any legal proceedings other than an application for judicial review, a party raises an issue concerning the validity of an administrative action, the court may -
  - (a) give directions as to the process to be followed for the determination of the validity of the administrative action taking these rules into account; or
  - (b) suspend the proceedings pending the outcome of the proceedings for judicial review under these rules.
- (4) To the extent that these rules do not provide for any matter regulated by the rules of the court in which the proceedings are instituted, those rules apply insofar as they do not conflict with these rules, provided that-
  - (a) the rules relating to applications and discovery apply subject to the provisions of rules 8(2) and 12 respectively; and
  - (b) Rule 53 of the Uniform Rules of the High Court and Rule 7A of the Rules for the Conduct of Proceedings in the Labour Court no longer apply in proceedings for judicial review.

## 2. Definitions

- (1) Any word or expression defined in the Act or in any rules of court that may apply to proceedings in terms of these rules bears the same meaning unless provided otherwise in sub-rule (2).

- (2) In these Rules, unless the context indicates otherwise-

**'Act'** means the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000;

**'affidavit'** means a written statement contemplated in rule 10;

**'day'** means any day other than a Saturday, Sunday or a public holiday;

**'document'** includes any recorded information regardless of form or medium;

**'judicial review'** means judicial review of an administrative action based on a ground in section 6 of the Act for an order contemplated in section 8 of the Act;

**'mediation'** means a voluntary process in which a neutral third party assists litigants or prospective litigants to avoid or end litigation and resolve or find a process for resolving the litigation;

**'registrar'** means a registrar or clerk of court appointed in terms of any legislation governing the administration of courts;

**'relevant document'** means a document that directly relates to a ground of judicial review upon which a requester or applicant relies or intends to rely in proceedings for judicial review.

**'Rules'** includes the Forms.

**PART B: REQUEST FOR REASONS AND DISCLOSURE****3. Request for reasons**

- (1) Any person whose rights are materially and adversely affected by an administrative action may request the administrator to-
  - (a) furnish written reasons for the action;
  - (b) agree to a variation of the time periods for the request for, or giving of, reasons in section 5 (1) and (2) of the Act in terms of section 9(1) of that Act.
- (2) The request must be made in accordance with Form A and sent and delivered in the manner provided in the Form to the administrator within the time period referred to in section 5 (1) of the Act, or such period as may be varied in terms of section 9.
- (3) The administrator must within 10 days of receipt of the request respond to it in accordance with Form B stating whether the request is acceded to or declined.
- (4) If the administrator accedes to the request, the administrator must furnish the reasons within the period permitted in section 5 (2) of the Act unless that period has been varied by agreement or by a court in terms of section 9.
- (5) The administrator may refuse a request for reasons if-
  - (a) written reasons have already been furnished to the requester;
  - (b) written reasons are publicly available and the requester is informed of where and how they are available;
  - (c) the requester is not a person whose rights are materially and adversely affected by the administrative action;