

BILL NO. 3 OF 2019

A BILL

FOR AN ACT TO AMEND THE HIGH COURT ACT 1875

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the High Court (Amendment) Act 2019.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the High Court Act 1875 is referred to as the “Principal Act”.

Section 5 amended

2. The Principal Act is amended in section 5 by—
 - (a) deleting subsection (1) and substituting the following—

“(1) The constitution of the Court shall be as provided for under section 100 of the Constitution of the Republic of Fiji.”; and
 - (b) in subsection (2), deleting “to fill a vacancy in the number of puisne Judges above 10 only needs to” and substituting “of a puisne Judge may”.

Miscellaneous amendments

3. The Principal Act is amended by deleting “Judicial Service Commission” wherever it appears and substituting “Judicial Services Commission”.

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March 2019

HIGH COURT (AMENDMENT) BILL 2019

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The number of Judges of the High Court is prescribed under section 5 of the High Court Act 1875 (**‘Act’**).
- 1.2 The High Court (Amendment) Bill 2019 (**‘Bill’**) seeks to amend the Act to remove the legislative prescription on the number of Judges of the High Court.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 5 of the Act by deleting and substituting subsection (1) to remove the legislative prescription on the number of Judges of the High Court.
- 2.3 Clause 2 of the Bill also amends section 5(2) of the Act by deleting the prescribed number that appointments must exceed before appointments must be considered by the Judicial Services Commission.
- 2.4 Clause 3 of the Bill amends the Act by deleting all references to the “Judicial Service Commission” and substituting “Judicial Services Commission” for the purpose of clarity.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for justice.

A. SAYED-KHAIYUM
Attorney-General