

BILL NO. 20 OF 2023

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 2023.

(2) This Act comes into force on a date appointed by the Minister by notice in the Gazette.

Part 6B deleted

2. The High Court Act 1875 is amended by deleting Part 6B.

Consequential amendment

3. The Magistrates Court Act 1944 is amended by deleting Part 8B.

Transitional

4.—(1) Any proceedings instituted by the Commissioner of the Fiji Independent Commission Against Corruption in the Anti-Corruption Division of the Magistrates Court that is pending prior to the commencement of the High Court (Amendment) Act 2023 must be transferred to the Magistrates Court.

(2) Any proceedings instituted by the Commissioner of the Fiji Independent Commission Against Corruption in the Anti-Corruption Division of the High Court that is pending prior to the commencement of the High Court (Amendment) Act 2023 must be transferred to the High Court.

September 2023

HIGH COURT (AMENDMENT) BILL 2023

EXPLANATORY NOTE

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

1.0 BACKGROUND

- 1.1 In 2021, the High Court Act 1875 and the Magistrates Court Act 1944 were amended to establish the Anti-Corruption Division of the High Court and the Anti-Corruption Division of the Magistrates Court respectively.
- 1.2 These amendments provided the Anti-Corruption divisions with the jurisdiction to hear matters with respect to proceedings instituted pursuant to section 12B of the Fiji Independent Commission Against Corruption Act 2007 (**'FICAC Act'**) in relation to offences under section 2 of the FICAC Act and any other matter referred to the Anti-Corruption divisions.
- 1.3 The amendments made in 2021 however did not provide any specific improvement to the administration for dealing with anti-corruption matters, which in some instances were dealt with outside the respective Anti-Corruption divisions such as proceedings in the outer islands.
- 1.4 The High Court (Amendment) Bill 2023 (**'Bill'**) therefore seeks to amend the High Court Act 1875 (**'Act'**) to dis-establish the Anti-Corruption Division of the High Court and the Anti-Corruption Division of the Magistrates 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 appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends the Act by deleting Part 6B in relation to the establishment of the Anti-Corruption Division of the High Court.
- 2.3 Clause 3 of the Bill consequentially amends the Magistrates Court Act 1944 by deleting Part 8B in relation to the establishment of the Anti-Corruption Division of the Magistrates Court.

2.4 Clause 4 of the Bill provides for the transitional provisions for any pending proceedings instituted by the Commissioner of the Fiji Independent Commission Against Corruption in the Anti-corruption divisions of the Magistrates Court or the High Court prior to the commencement of the amending legislation to be transferred to the Magistrates Court or the High Court, as the case may be.

3.0 MINISTERIAL RESPONSIBILITY

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

S. D. TURAGA
Attorney-General