

THE COURTS (AMENDMENT) BILL
(No. XXVIII of 2025)

Explanatory Memorandum

The object of this Bill is to amend the Courts Act with a view to simplifying and streamlining the procedure for an application for judicial review.

2. Accordingly, an application for leave to apply for judicial review shall be made, *inter partes*, to the Judge in Chambers and the Judge shall determine the application for leave on the papers alone, but the Judge may, where he deems necessary, request for written submissions on any point and, in exceptional circumstances, require an oral hearing in Chambers.

3. A time limit is also being prescribed on the Judge in Chambers to determine the application for leave to apply for judicial review and it is further being provided that where leave is granted, the application for leave shall stand as the application for judicial review.

4. Consequently, several other enactments are being amended so as to align them with the new judicial review provisions of the Courts Act.

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THE COURTS (AMENDMENT) BILL
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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Part II of principal Act amended
4. Consequential amendments
5. Commencement

A BILL

**To amend the Courts Act with a view to simplifying and streamlining
the procedure for an application for judicial review**

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Courts (Amendment) Act 2025.

2. Interpretation

In this Act –

“principal Act” means the Courts Act.

3. Part II of principal Act amended

Part II of the principal Act is amended –

- (a) in Sub-part VI, in section 71, by adding the following new subsection –

(3) Any application for leave to apply for judicial review under Sub-part VIA shall be finally disposed of at Chambers by a Judge’s order.

- (b) by inserting, after Sub-part VI, the following new Sub-part –

Sub-Part VIA – Procedure to Apply for Judicial Review

76B. Leave to apply for judicial review

No application for judicial review shall be entertained unless leave to apply for the judicial review is obtained.

76C. Application for leave – first leg

(1) An application for leave to apply for judicial review shall, subject to subsection (5), be made not later than 45 days after the date of the decision subject matter of the review.

(2) An application made pursuant to subsection (1) shall be made by way of motion, supported by an affidavit and any relevant documentary evidence, together with a statement of case, and shall disclose –

- (a) the name, address and description of the applicant, respondent and any other interested party to the case;
- (b) all relevant facts;
- (c) the detailed grounds for applying for judicial review;
- (d) the relief sought;
- (e) whether there have been any previous proceedings in any court or tribunal between the applicant, the respondent and any other interested party to the case regarding the same subject matter;
- (f) details of any consideration which the applicant knows the respondent has given to the matter in question;
- (g) whether and how the applicant has a sufficient interest in the subject matter;
- (h) the date of the decision subject matter of the review; and

- (i) where the time limit for making the application has been exceeded, the reason to explain the delay.

(3) An applicant may, in an application made pursuant to subsection (1), apply for stay of the decision subject matter of the review.

(4) The applicant shall –

- (a) lodge the application with the Judge in Chambers; and
- (b) at the same time, serve the application on the respondent and any other interested party to the application, indicating the returnable date before the Judge in Chambers.

(5) Where an application for leave to apply for judicial review is made after the delay of 45 days as required under subsection (1), the Judge in Chambers may, on good cause shown by the applicant, entertain the application.

76D. Stand on application for leave

(1) On the returnable date or such other date as the Judge in Chambers may determine, the respondent or any other interested party to the application shall –

- (a) give his stand in writing and file grounds of objection in a statement of reply to the statement of case, if any, with the Judge in Chambers; and
- (b) may, in support of the grounds of objections, file an affidavit, together with any document relevant to the objections raised.

(2) The absence of an affidavit from the respondent or any other interested party at leave stage shall not be construed as an admission of the facts averred by the applicant in his affidavit.

76E. Determination at leave stage

The Judge in Chambers shall determine the application for leave to apply for judicial review on the papers alone, but the Judge may, where he deems necessary, request for written submissions on any point and, in exceptional circumstances, require an oral hearing in Chambers.

76F. Time limit for determination on application for leave

(1) The Judge in Chambers shall, not later than 60 days after the respondent and any other interested party to the application has given his stand or written submissions have been filed or from the date the application has been heard determine the application for leave to apply for judicial review.

(2) Where the Judge in Chambers fails to determine the application in accordance with subsection (1), the matter may be reported to the Chief Justice by the applicant.

76G. Appeal on leave determination

(1) Subject to subsection (2), an appeal against the decision of the Judge in Chambers not to grant leave shall be made to the Supreme Court in the exercise of its appellate jurisdiction in accordance with the Civil Appeal Act 2025.

(2) No appeal shall lie against the decision of the Judge in Chambers granting leave to apply for judicial review.

76H. Application for judicial review – second leg

(1) Where leave is granted –

- (a) the application for leave shall stand as the application for judicial review; and
- (b) the Judge in Chambers shall fix the case for mention before the Chief Justice for the case to be in shape.

(2) The application for judicial review shall be heard before at least 2 Judges, including, as far as possible, the Judge who granted leave.

76J. Saving clause

Any application for leave to apply for judicial review which, on the commencement of this Act, is pending before the Supreme Court shall be dealt with as if this Sub-part VIA has not come into operation.

4. Consequential amendments

(1) The Allied Health Professionals Council Act is amended by repealing section 37 and replacing it by the following section –

37. Review of decision of Council

A person who is aggrieved by a decision of the Council –

- (a) not to register him; or
- (b) to take any disciplinary measure against him,

may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(2) The Bank of Mauritius Act is amended by repealing section 53J and replacing it by the following section –

53J. Judicial review

Any party who is dissatisfied with the determination of the Review Panel may apply for a judicial review of the determination in accordance with Sub-part VIA of Part II of the Courts Act.

(3) The Business Registration Act is amended, in section 18, by repealing subsection (3) and replacing it by the following subsection –

(3) Any person aggrieved by the decision of the Registrar under this section may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(4) The Declaration of Assets Act is amended, in section 10, by repealing subsection (2) and replacing it by the following subsection –

(2) Any person who is dissatisfied with a decision of the Commission relating to the imposition of a penalty pursuant to subsection (1), may apply for a judicial review of the imposition of the penalty in accordance with Sub-part VIA of Part II of the Courts Act.

(5) The Employment Relations Act is amended, in section 7, by repealing subsection (10) and replacing it by the following subsection –

(10) Any party aggrieved by the decision of the Tribunal may apply for a judicial review in accordance with Sub-part VIA of Part II of the Courts Act and the Judge in Chambers may stay execution of the decision of the Tribunal pending the determination of the application.

(6) The Extradition Act is amended, in section 19, by repealing subsection (1) and replacing it by the following subsection –

(1) An application for judicial review may be lodged in accordance with Sub-part VIA of Part II of the Courts Act and shall be served on the relevant parties by –

- (a) the person sought, where the Magistrate has found him eligible for extradition; or
- (b) the Attorney-General, where the Magistrate has found the person sought not eligible for extradition.

(7) The Financial Crimes Commission Act 2023 is amended, in section 51, by repealing subsection (2) and replacing it by the following subsection –

(2) Any person who is dissatisfied with a decision of the Commission under to subsection (1) may, in accordance with Sub-part VIA of Part II of the Courts Act, apply for a judicial review of such decision.

(8) The Financial Intelligence and Anti-Money Laundering Act is amended by repealing section 19X and replacing it by the following section –

19X. Judicial review

Any party who is dissatisfied with the determination of the Review Panel may apply for a judicial review of the determination in accordance with Sub-part VIA of Part II of the Courts Act.

(9) The Financial Reporting Act is amended by repealing section 82 and replacing it by the following section –

82. Judicial review

Any person aggrieved by a final decision of the Council or the Mauritius Institute of Professional Accountants may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(10) The Financial Services Act is amended by repealing section 67 and replacing it by the following section –

67. Judicial review

Any party who is dissatisfied with the determination of the Review Panel may apply for a judicial review of the determination in accordance with Sub-part VIA of Part II of the Courts Act.

(11) The Independent Broadcasting Authority Act is amended by repealing section 30L and replacing it by the following section –

30L. Judicial review

Any party who is dissatisfied with a decision of the Review Panel under Sub-Part B may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(12) The Industrial Property Act 2019 is amended by repealing section 24 and replacing it by the following section –

24. Judicial review

An applicant for a patent or the owner of a patent may apply for a judicial review of a decision of the competent authority regarding the grant of a compulsory licence or remuneration payable in accordance with Sub-part VIA of Part II of the Courts Act.

(13) The Mauritius Revenue Authority Act is amended, in section 14A, by repealing subsection (2) and replacing it by the following subsection –

(2) Any person who is dissatisfied with a decision of the Authority relating to the imposition of a penalty pursuant to subsection (1) may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(14) The National Agricultural Products Regulatory Office Act is amended, in section 20, by repealing subsection (7) and replacing it by the following subsection –

(7) Any party who is aggrieved by a decision of the Arbitration Committee may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(15) The National Land Transport Authority Act 2019 is amended, in section 19, by repealing subsection (5) and replacing it by the following subsection –

(5) Any party who is aggrieved by a decision of the Appeal Committee may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(16) The Ombudsperson for Financial Services Act is amended by repealing section 12 and replacing it by the following section –

12. Review of decision of Ombudsperson

Any person aggrieved by any decision of the Ombudsperson under section 10 or 11, including an award, may apply for a judicial review of the decision or award, as the case may be, in accordance with Sub-part VIA of Part II of the Courts Act.

(17) The Professional Architects' Council Act is amended by repealing section 44 and replacing it by the following section –

44. Review of decision of Council

A person who is aggrieved by a decision of the Council –

- (a) not to register him as a professional architect; or
- (b) to take any disciplinary measure against him,

may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(18) The Professional Land Surveyors Council Act is amended by repealing section 46 and replacing it by the following section –

46. Review of decision of Council

A person who is aggrieved by the decision of the Council –

- (a) not to grant an application under section 19(5)(a); or

(b) to take any disciplinary measure against him,

may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(19) The Professional Quantity Surveyors Council Act is amended by repealing section 42 and replacing it by the following section –

42. Review of decision of Council

A person who is aggrieved by the decision of the Council –

(a) not to register him as a professional quantity surveyor; or

(b) to take any disciplinary measure against him,

may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(20) The Public Bodies Appeal Tribunal Act is amended by repealing section 9 and replacing it by the following section –

9. Judicial review

Any party who is dissatisfied with a decision of the Tribunal under section 8 may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(21) The Public Inquiries Act 2025 is amended by repealing section 30 and replacing it by the following section –

30. Judicial review

Any person who feels personally aggrieved by the findings of the inquiry report of a Board of Inquiry may make an application for judicial review against such findings in accordance with Sub-part VIA of Part II of the Courts Act.

(22) The Real Estate agent Authority Act 2020 is amended by repealing section 42 and replacing it by the following section –

42. Review of decision of Authority

A person who is aggrieved by the decision of the Authority –

(a) not to register him as a real estate agent; or

(b) to take any other disciplinary measure against him,

may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(23) The Road Traffic Act is amended, in section 68F, by repealing subsection (10) and replacing it by the following subsection –

(10) Any party who is aggrieved by a decision of the Committee may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(24) The Trade Anti-Dumping Countervailing and Safeguard Measures) Act 2022 is amended by repealing section 115 and replacing it by the following section –

115. Judicial review

(1) Any party who is dissatisfied with a final decision of the Minister or Authority may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(2) An application for judicial review under this section shall, notwithstanding Sub-part VIA of Part II of the Courts Act, not operate as a stay of a final decision of the Minister or Authority.

(25) The United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act is amended, in section 19, by repealing subsection (1) and replacing it by the following subsection –

(1) A designated party may make an application for a judicial review of the declaration in accordance with Sub-part VIA of Part II of the Courts Act.

(26) The Veterinary Council Act 2020 is amended by repealing section 46 and replacing it by the following section –

46. Review of decision of Council

A person who is aggrieved by a decision of the Council –

(a) not to register him as a veterinary surgeon; or

(b) to take any disciplinary measure against him,

may apply for judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

(27) The Supreme Court (Judge in Chambers) Rules 2002 are amended by inserting, after rule 1, the following new rule –

1A. These rules shall not apply to an application for leave to apply for judicial review made pursuant to Sub-part VIA of Part II of the Courts Act.

5. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.
