



Judicature (Northern Ireland) Act 1978

1978 CHAPTER 23

PART II

THE HIGH COURT

Supervisory and declaratory jurisdiction

18 Application for judicial review.

- (1) Rules of court shall provide for a procedure, to be known as an application for judicial review, under which application may be made to the High Court for one or more of the following forms of relief, that is to say, relief by way of—
- (a) an order of mandamus;
 - (b) an order of certiorari;
 - (c) an order of prohibition;
 - (d) a declaration;
 - (e) an injunction.
- (2) Without prejudice to the generality of subsection (1), the rules shall provide—
- (a) that leave of the court shall be obtained before any application for judicial review, other than an application for an order of certiorari by the Attorney General acting on behalf of the Crown, is made;
 - (b) that such leave shall not be granted if, having regard to the nature of the persons and bodies against whom relief may be granted by way of an order of mandamus, prohibition or certiorari, the court is satisfied that the case is one in respect of which of which relief could not be granted by way of any such order;
 - (c) that, where leave is so obtained, the grounds relied on and the relief granted shall only be one or more of those specified in the application;
 - (d) that the court may direct, or grant leave for, the application to be amended to specify different or additional grounds or relief; and

Changes to legislation: Judicature (Northern Ireland) Act 1978, Section 18 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) that the court may, subject to subsection (6), direct pleadings to be delivered or authorise or require oral evidence to be given where this appears to the court to be necessary or desirable.
- (3) On an application for judicial review the court may grant any of the forms of relief mentioned in subsection (1)(a) to (e) which the applicant has claimed and to which he appears to be entitled whether or not he appears to be entitled to any of the other forms of relief so mentioned, whether claimed or not.
- (4) The court shall not grant any relief on an application for judicial review unless it considers that the applicant has a sufficient interest in the matter to which the application relates.
- (5) Without prejudice to section 25 of this Act or to [F1 Article 159 of the Magistrates' Courts (Northern Ireland) Order 1981], where, on an application for judicial review, the court finds that—
- (a) the sole ground of relief established is a defect in form or a technical irregularity; and
 - (b) no substantial wrong and no miscarriage of justice has occurred or no remedial advantage could accrue to the applicant,
- the court may refuse relief and, where a lower deciding authority has exercised jurisdiction, may make an order, having effect from such time and on such terms as the court thinks just, validating any decision or determination of the lower deciding authority or any act done in consequence thereof notwithstanding that defect or irregularity.
- (6) No return shall be made to orders of mandamus, prohibition or certiorari and no pleadings in prohibition shall be allowed but, subject to any right of appeal, such orders shall be final.
- (7) For references in any statutory provision coming into operation as respects Northern Ireland before 15th September 1965 to a writ of mandamus, prohibition or certiorari there shall be substituted references to the corresponding order and for references to the issue or award of any such writ there shall be substituted references to the making of the corresponding order.

Textual Amendments

F1 Words substituted by [S.I. 1981/1675 \(N.I. 26\)](#), s. 52(8), [Sch. 6 para. 50](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to legislation.gov.uk. Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)