

Terms of Reference
Review of the High Court 1988 and Magistrate's Court Rules
1945

1. The High Court Rules 1988 and the Magistrates Court Rules 1945 (“**the Civil Rules**”) are part of the legacy of Fiji’s English colonial history.
2. For years, the Rules have been applied to regulate procedure in their respective Civil Courts.
3. A Report dated 03 June 2024 by the Civil Division Rules Committee (“**CRDC Report**”) to the then Hon. Acting Chief Justice, his Lordship, Justice Salesi Temo highlights the urgent need for a comprehensive and holistic review of the Civil Rules and to attune them to modern case management philosophy.
4. Accordingly, pursuant to section 5 (2) of the Fiji Law Reform Commission Act (Cap 26) (“**the Act**”), the Hon. Acting Chief Justice and the Attorney-General hereby refer to the Fiji Law Reform Commission (“**Commission**”) for review and reform of the Civil Court Rules.
5. The Review is to be carried out in accordance with section 5(1) of the Act.
6. In undertaking this review, the Commission must:
 - i. Examine and reflect on the findings and recommendations in the CRDC Report;
 - ii. Examine the current rules of civil practice and procedure in selected common law jurisdictions;
 - iii. Consider options to modernise and make the Civil Rules more effective and efficient.
 - iv. Propose suitable reforms to the Civil Rules; and
 - v. Consult all relevant stakeholders on the suggested reform proposals.

7. The Commission is to carry out consultations in accordance with its procedures.

8. The CRDC Report envisions that the High Court Act 1988, Magistrate Court Act 1945 and any other consequential legislation may need to be amended to achieve the holistic reforms needed.

9. The Commission is to submit its Final Report with Final Recommendations on or before the **30th September 2025**.