

CAYMAN ISLANDS



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**THE MAINTENANCE ORDERS
(ENFORCEMENT) LAW
(Revised)**

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courts.	jurisdiction in the courts shall apply to proceedings before such court under this Law in like manner as they apply to other proceedings and the power to make rules under such Laws shall include power to make rules regulating the procedure of such courts under this Law.
Signing of documents.	9.Any document purporting to be signed by a judge or officer of a court in England or Ireland, shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a court by whom a document is signed shall, until the contrary is proved, be deemed to have been the proper officer of the court to sign the document.
Depositions which may be received in evidence.	10.Depositions taken in a court in England or Ireland for the purposes of this Law may be received in evidence in proceedings before courts of summary jurisdiction under this Law.
Provisions applicable to Jamaica.	11.The foregoing provisions of this Law shall have effect in respect of Jamaica as though the references to England or Ireland therein were references to Jamaica, and the references to the Secretary of State were references to the person holding equivalent authority in Jamaica.
Power of Governor to extend this Law to other possessions or territories under circumstances	12. (1) Where the Governor is satisfied that reciprocal provisions have been made by the Legislature of any British possession, Commonwealth country or any territory under Her Majesty's protection for the enforcement within such possession, country or territory of maintenance orders made by the courts of the Islands, the Governor may by order extend this Law to such possession, country or territory, and this Law shall thereupon apply in respect of such possession, country or territory as though the references to England or Ireland were references to such possession, country or territory, and the references to the Secretary of State were references to the Governor or Head of State of such possession, country or territory. (2) Any order made by the Governor under this section, may be varied or revoked by a subsequent order.

Publication in revised form authorized this 16th day of August, 1977

JENNY MANDERSON
Clerk of the Executive Council

CAYMAN ISLANDS

THE MAINTENANCE ORDERS
(ENFORCEMENT) LAW
(Revised)

Originally enacted (Cap. 90) 20th July, 1953
Amended by Law 9 of 1972 10 July, 1972
Published in revised form this 29th of August, 1977, by authority of the Law
Revision Law (No. 19 of 1975).

Short title.	1.This Law may be cited as the Maintenance Orders (Enforcement) Law (Revised).
Interpretation.	2.In this Law— “maintenance order” means an order, other than an order of affiliation, for the periodical payment of sums of money towards the maintenance of the wife or other dependents of the person against whom the order is made; “dependents” means such persons as that person is, according to the law in force in the part of Her Majesty's Dominions in which the maintenance order was made, liable to maintain; “certified copy” in relation to an order of a court means a copy of the order certified by the proper officer of the court to be a true copy; “prescribed” means prescribed by rules of court.
Registration of orders and enforcement.	3.(1) Where a maintenance order has, whether before or after the passing of this Law, been made against any person by any court in England or Ireland, and a certified copy of the order has been transmitted to the Governor he shall send a copy of the order to the prescribed officer of a court in the Islands for registration; and on receipt thereof the order shall be registered in the prescribed manner; and shall from the date of such registration, be of the same force and effect, and subject to the provisions of this Law, all proceedings may be taken on such order as if it had been an order originally obtained in the court in which it is so registered, and that court shall have power to enforce the order accordingly. (2) The court in which an order is to be registered as aforesaid shall, if the court by which the order was made was a court of superior jurisdiction, be the Grand Court, and, if the court was not a court of superior jurisdiction be a court of summary jurisdiction. (3) Where a court in the Islands has, whether before or after the commencement of this Law, made a maintenance order against any person, and it is proved to that court that the person against whom the order was made is resident in England or Ireland the court shall send to the Governor for transmission to the Secretary of State a certified copy of the order.

Procedure where application is made to a court of summary jurisdiction in	4. (1) Where an application is made to a court of summary jurisdiction in the Islands for a maintenance order against any person, and it is proved that that person is resident in England or Ireland the court may in the absence of that
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the Islands for a maintenance order against any person resident in England or Ireland.

person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if a summons had been duly served on that person and he had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless and until confirmed by a competent court in England or Ireland.

(2) The evidence of any witness who is examined on any such application shall be put in writing and such deposition shall be read over to and signed by him.

(3) Where such an order is made the court shall send to the Governor for transmission to the Secretary of State the depositions so taken and a certified copy of the order, together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order was made had been duly served with a summons and had appeared at the hearing, and such information as the court possesses for facilitating the identification of that person, and ascertaining his whereabouts.

(4) Where any such provisional order has come before a court in England or Ireland for confirmation, and the order has by that court been remitted to the court of summary jurisdiction which made the order for the purpose of taking further evidence, that court or any other court of summary jurisdiction sitting and acting for the same place shall, after giving the prescribed notice, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

If upon the hearing of such evidence it appears to the court that the order ought not to have been made, the court may rescind the order, but in any other case the depositions shall be sent to the Secretary of State and dealt with in like manner as the original depositions.

(5) The confirmation of an order made under this section shall not affect any power of a court of summary jurisdiction to vary or rescind that order:

Provided that on the making of a varying or rescinding order the court shall send a certified copy thereof to the Governor for transmission to the Secretary of State, and that in case of an order varying the original order the order shall not have any effect unless and until confirmed in like manner as the original order.

(6) The applicant shall have the same right of appeal, if any, against a refusal to make a provisional order as he would have had against a refusal to make the order had a summons been duly served on the person against whom the order is sought to be made.

Procedure where a provisional maintenance order has been made by a court in England or Ireland, etc..

5.(1) Where a maintenance order has been made by a court in England or Ireland and the order is provisional only and has no effect unless and until confirmed by a court of summary jurisdiction in the Islands, and a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed has been transmitted to the Governor, and it appears to the Governor that the person against whom the order was made is resident in the Islands, the Governor may send the said documents to the prescribed officer of a court of summary jurisdiction, with a requisition that a summons be issued calling upon the person to show cause why that order should not be confirmed, and upon receipt of such documents and requisition the court shall issue such summons and cause it to be served upon such person.

(2) A summons so issued may be served in the Islands in the same manner

as if it had been originally issued or subsequently endorsed by a court of summary jurisdiction in the Islands.

(3) At the hearing it shall be open to the person on whom the summons was served to raise any defence which he might have raised in the original proceedings had he been a party thereto, but no other defence, and the certificate from the court which made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings shall be conclusive evidence that those grounds are grounds on which objection may be taken.

(4) If at the hearing the person served with the summons does not appear, or on appearing fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order either without modification or with such modification as to the court after hearing the evidence may seem just.

(5) If the person against whom the summons was issued appears at the hearing and satisfies the court that for the purpose of any defence it is necessary to remit the case to the court which made the provisional order for the taking of any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(6) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the confirming court, and where on application for rescission or variation the court is satisfied that it is necessary to remit the case to the court which made the order for the purpose of taking any further evidence the court may so remit the case and adjourn the proceedings for the purpose.

(7) Where an order has been so confirmed, the person bound thereby shall have the same right of appeal, if any, against the confirmation of the order as he would have had against the making of the order had the order been an order made by the court confirming the order.

Governor may make regulations.

6. The Governor may make regulations as to the manner in which a case can be remitted by a court authorized to confirm a provisional order to the court which made the provisional order, and generally for facilitating communications between such courts.

Courts and officers shall take steps for enforcing orders.

7.(1) A court of summary jurisdiction in which an order has been registered under this Law or by which an order has been confirmed under this Law, and the officers of such court shall take steps for enforcing the order as may be prescribed.

(2) Every such order shall be enforceable in like manner as if the order were for the payment of a civil debt recoverable summarily:

Provided that, if the order is of such a nature that if made by the court in which it is so registered, or by which it is so confirmed, it would be enforceable in like manner as an order of affiliation, the order shall be so enforceable.

(3) A warrant of distress or commitment issued by a court of summary jurisdiction for the purpose of enforcing any order so registered or confirmed may be executed in any part of the Islands in the same manner as if the warrant had been originally issued or subsequently endorsed by a court of summary jurisdiction having jurisdiction in the Islands.

Proceedings before

8. The Laws of the Islands relating to and governing the exercise of summary