

CAYMAN ISLANDS



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THE COURT FEES (AMENDMENT) RULES, 2009

COURT FEES (AMENDMENT) RULES, 2009

The Rules are made by the Rules Committee of the Court of Appeal pursuant to Section 35 of the Court of Appeal Law (2006 Revision) and by the Grand Court Rules Committee (with the approval of the Governor in Cabinet) pursuant to Section 19(3)(c) of the Grand Court Law (2008 Revision)

1. Citation, Commencement and Interpretation

- (1) These Rules shall be cited as the Court Fees (Amendment) Rules 2009.
- (2) These Rules shall come in operation with retroactive effect from the 1st day of November 2009, referred to as the "Commencement Date".
- (3) These Rules shall apply to every proceeding which was or is commenced on or after the Commencement Date.
- (4) Words and expressions used in these Rules which are also used in the Court Fees Rules 2009 (referred to as "the principal rules") shall have the same meaning in these Rules as in the principal rules.

2. Amendment of Rule 5(2)

Rule 5(2) of the principal rules shall be amended by deleting the references to "20 days" and substituting "3 days".

3. Amendment of Part B of the First Schedule

Part B of the First Schedule to the principal rules shall be amended by deleting the references to "\$15,000" and substituting "\$5,000".

4. Addition of Rule 5A

The principal rules shall be amended by adding a new Rule 5A as follows –

"5A. Special Sitting Fees

The fees prescribed in Part D of the First Schedule shall be payable by an appellant in any proceeding other than a criminal proceeding who makes application pursuant to the Court

of Appeal (Special Sittings) Rules 2009 for a direction convening a special sitting of the Court of Appeal. "

5. Addition of Part D to the First Schedule

The principal rules shall be amended by adding a new Part D to the First Schedule as follows –

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PART D

Court of Appeal (Special Sittings) Rules

1. Application for a special sitting

Upon making an application to the Court of Appeal for \$5,000
a direction that a special sitting be convened (save where an
application for leave to appeal is made at the same time
and for which a fee is payable under Part B

2. Direction convening a special sitting

In the event that the Court of Appeal makes a direction that \$20,000
a special sitting be convened "

6. Repayment of overpaid fees

Any person who has, by virtue of the amendment of the principal rules, overpaid any fees on or after the Commencement Date shall be entitled to receive a refund, being the difference between the amount paid and the amount which would have been paid pursuant to these Rules.

7. Amendment of Rule 6

(1) Sub-rule (1) of Rule 6 of the principal rules shall be amended by deleted reference to "sub-rule (3)" and substituting "sub-rules (3), (4) and (5)".

(2) Rule 6 of the principal rules shall be amended by adding a new sub-rules (4) and (5) as follows -

"(4) In the case of an original or interlocutory process issued by an officeholder in the Financial Services Division in circumstances where he is filing the process in the

performance of a legal duty and the fees prescribed by these Rules will be payable out of a fund under his control, a Commercial Judge may direct that payment of the fees be deferred if he is satisfied that the fund under the control of the officeholder does not comprise sufficient money with which to pay the fees immediately.

(5) Where multiple applications are made under the Companies Law simultaneously in respect of two or more related companies, a Commercial Judge may direct that the applications be treated as consolidated for the purposes of these Rules so that only one set of fees shall be payable. "

MADE by the Grand Court Rules Committee on the 23rd November 2009

The Honourable Anthony Smellie QC, Chief Justice

Cheryl Richards, Acting Attorney-General

Andrew J. Jones QC, Legal Practitioner

Graham Ritchie QC, Legal Practitioner

Made by the Rules Committee of the Court of Appeal on the 26th November 2009

The Right Honourable Sir John Chadwick PC, President

The Honourable Ian Forte QC, Judge of Appeal

The Honourable Elliott Motley QC, Judge of Appeal