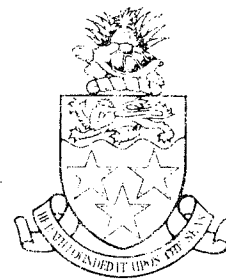


CAYMAN ISLANDS



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**THE COURT OF APPEAL
(AMENDMENT) LAW, 1985
(LAW 25 OF 1985)**

Law 25 of 1985

I Assent

PETER LLOYD

Governor

30th September 1985

**A LAW TO AMEND THE COURT OF APPEAL LAW
(LAW 9 OF 1975)**

ENACTED by the Legislature of the Cayman Islands.

Short title.

1. This Law may be cited as the Court of Appeal (Amendment) Law, 1985.

Amendment of s.2A of
Law 9 of 1975.

2. Section 2A of the Court of Appeal Law, in this Law referred to as the principal Law, is amended in sub-section (2) by substituting a fullstop for the colon and by deleting the proviso.

Amendment of s.2B.

3. Section 2B of the principal Law is amended by inserting the following new subsection immediately after subsection (4) -

“(5) An officer attached to the Court as a marshal under subsection (4) shall, in addition to the powers and duties conferred on or to be performed by him as directed by the Court or a Judge or as may be provided by any rules of court, have -

- (a) the power to administer oaths to witnesses in all matters before the Court or in connection with any proceedings pending before the Court;
- (b) within the precincts of the Court and on the order or direction of the Court or a Judge, the power without warrant to take into custody and detain any person until the rising of the Court.”.

Amendment of s. 6.

4. Section 6 of the principal Law is amended by substituting the following for the first eight lines of subsection (1) -

“(1) Subject to the provisions of section 9, the Court shall allow an appeal against conviction if it thinks -

- (a) that the verdict of the jury should be set aside on the ground that under all the circumstances of the case it is unsafe or unsatisfactory;
- (b) that the judgment of the Court before which the appellant was convicted should be set aside on the ground of a wrong decision on any question of law; or
- (c) that there was a material irregularity in the course of the trial,

and in any other case shall dismiss the appeal.”.

Amendment of s. 26.

5. Section 26 of the principal Law is amended by inserting the following new subsection immediately after subsection (1) -

“(1A) Any jurisdiction exercisable in any proceedings incidental to any civil case and not involving the hearing or determination of an appeal may, so far as may be prescribed by rules of court, be exercised by a single Judge in the same manner as it may be exercised by the Court and subject to the same provisions.”.

Insertion of new ss. 26A and 26B.

6. The principal Law is amended by inserting the following two new sections immediately after section 26 -

“Appeal from single Judge.

26A. On the application of a party aggrieved by a decision of a single Judge made in the exercise of any of the powers conferred by this Law, any other law or rules of court, the Court as duly constituted for the hearing and determination of appeals under this Law may review and discharge or vary that decision.

Powers exercisable by a judge of Grand Court.

26B. All the powers conferred by this Law, any other law or rules of court on a single Judge may for all purposes be exercised by a judge of the Grand Court in the same manner as they may be exercised by a single Judge and subject to the same provisions, and such exercise shall for all

purposes be as valid as if that power had been exercised by a single Judge:

PROVIDED that, on the application of a party aggrieved by it, the Court as duly constituted for the hearing and determination of appeals under this Law may review and discharge or vary any exercise of any of such powers by a judge of the Grand Court under this section.”.

Passed the Legislative Assembly this 10th day of September, 1985.

PETER LLOYD
President.

E. GAY JACKSON
Clerk of the Legislative Assembly.