

CAYMAN ISLANDS



Supplement No. 1 printed with Gazette No. 25 of 1986

**THE COURT OF APPEAL LAW
(LAW 9 OF 1975)
THE COURT OF APPEAL RULES, 1987**

**THE COURT OF APPEAL LAW (LAW 9 OF 1975)
THE COURT OF APPEAL RULES, 1987**

In exercise of the powers conferred on the Rules Committee of the Court by subsection (3) of section 28 of the Court of Appeal Law, the following rules of court are hereby made -

**PART I
PRELIMINARY**

Citation and date of commencement.

1. These Rules of Court may be cited as the Court of Appeal Rules, 1987 and shall come into force on the 2nd day of January, 1987.

Interpretation.

2. In these Rules, unless it is expressly provided to the contrary or the context otherwise requires, -

“appellant” means the party appealing from a judgement, conviction, sentence or order, and includes his counsel;

“counsel” mean a person admitted to practise as an Attorney-at-Law in the Islands;

“court below” means the court from which the appeal is brought;

“file” means file in the Registry of the Court, and “filed” and “filing” have corresponding meanings;

“order” includes decree, judgement, sentence or decision of a court below;

“party” means any party to the appeal, and includes his counsel;

“record” means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence and judgements) and required by these Rules to be filed or laid before the Court on the hearing of the appeal;

“respondent” means -

- (a) in a civil appeal, any party (other than the appellant) directly affected by the appeal;
- (b) in a criminal appeal, the person who under the provisions of the Law has the duty of appearing for the Crown or who undertakes the defence of the appeal.

Forms in Schedule.

3. The Forms set out in the Schedule, or forms as near thereto as circumstances permit, shall be used in all cases to which such forms are applicable.

Times of sittings.

4. (1) Sittings of the Court shall be fixed by the President and notice thereof shall be published by the Registrar in the Gazette.
(2) When any fixture has been made the President may at any time alter the same.

Notice of sittings.

5. (1) At least seven days before each sitting of the Court the Registrar shall post the cause list of the sittings on the notice board of the Court:

Provided that the Court, in its discretion, may hear any appeal and deal with any other matter whether or not the same has been included in the cause list so published.

(2) This rule shall not apply to the hearing of any matter by a single Judge.

Right of audience.

6. In all proceedings before the Court or the Registrar and in all preliminary and interlocutory proceedings and applications the parties thereto may appear in person or may be represented and appear by counsel.

Register of appeals.

7. (1) The Registrar shall keep separate registers of all civil and criminal appeals filed, including notices of application for leave to appeal.

(2) Each register shall contain particulars of the date on which -

- (a) the notice of appeal or of application for leave to appeal was lodged;
- (b) any interlocutory order was made;
- (c) the record of the appeal was received;
- (d) the appeal was heard;
- (e) judgement was delivered.

Enlargements or abridgement of time and departure from Rules.

8. (1) Subject to the provisions of section 21 of the Law, the Court shall have power to enlarge or abridge the time appointed by these Rules, or fixed by an order enlarging time, for doing any act or taking any proceeding, upon such terms (if any) as the justice of the case may require, and any such enlargement may be ordered although the application for the same is not made until after the

expiration of the time appointed or allowed, or the Court may direct a departure from these Rules in any other way where this is required in the interests of justice.

(2) Save as may be otherwise expressly provided, applications to the Court under this rule shall be made by motion, notice of which shall be served on all the parties to the proceedings at least seven clear days before the day named in the notice for hearing the motion.

(3) Every motion under sub-rule (2) shall be supported by affidavit, a copy of which shall be served with the notice of motion, setting out concisely the reasons why the act or proceeding was not done or taken within the prescribed time.

(4) Three copies of the motion and affidavit in support thereof shall be filed for the use of the Judges.

Service of documents.

9. Subject to any provision contained in these Rules relating to the service of any particular document-

- (a) service of the documents mentioned in the first column hereunder shall be executed by leaving or sending a true copy thereof in the manner specified in the second column -

	Column 1	Column 2
(i)	all documents required to be served on parties to an action who have not filed an address for service or on a person not a party to the appeal	by personal service on the party or his authorised agent, or on the person not at party;
(ii)	all documents required to be served on parties who have an address for service	by leaving the document at the address for service with a person resident at or belonging to such place; or by registered post to such address, in which case, the time of service thereof shall be the time such document would be delivered in the ordinary course of post;

- (a) if it be made to appear to a Judge upon application supported by affidavit that prompt personal service of a

document cannot be effected he may make such order for substituted service by advertisement or otherwise as may be just.

Waiver of non-compliance with Rules.

10. Non-compliance on the part of the appellant in any criminal cause or matters with these Rules or with any rule of practice for the time being in force shall not prevent for further prosecution of his appeal if the Court considers that such non-compliance was not wilful, and that it is in the interests of justice that non-compliance be waived. The Court may, in such manner as it thinks right, direct the appellant to remedy such non-compliance and thereupon the appeal shall proceed. The Registrar shall forthwith notify the appellant of any directions given by the Court under this rule where the appellant was not present at the time when such directions were given.

PART II CIVIL APPEALS

Notice of Appeal.

11. (1) An appeal to the Court shall be in Civil Form I in the Schedule.

(2) Notice of appeal may be given either in respect of the whole or in respect of any specified part of the judgment or order of the court below.

(3) Subject to the provisions of rule 16, it shall not be necessary to serve the notice on any party not directly affected by the appeal.

Time for appealing against interlocutory order.

12. In the case of an appeal from an interlocutory order, a notice of appeal shall be filed within fourteen days from the date on which the order of the court below as signed, entered or otherwise perfected.

Respondent's notice.

13. (1) A respondent who, not having appealed from the decision of the court below, desires to contend on the appeal that the decision of that court should be varied, either in any event or in the event of the appeal being allowed in whole or in part, shall give notice to that effect in Civil Form 2 in the Schedule, specifying the grounds of that contention and that precise form of the order which he proposes to ask the Court to make, or to make in that event, as the case may be.

(2) A respondent who desires to contend on the appeal that the decision of the court below should be affirmed on grounds other than those relied upon by that court shall give notice to that effect specifying the grounds of that contention.

(3) Except with the leave of the Court, a respondent shall not be entitled on the hearing of the appeal to contend that the decision of the court below should be varied upon grounds not specified in his notice given under this rule, to apply for any relief not so specified, or to support the decision of the court below upon any grounds not relied upon by that court or specified in such notice.

Amendment of respondent's notice.

Notice of preliminary objection to be filed.

Directions of Court as to service.

General powers of Court.

(4) Any notice given under this rule (in this Part referred to as a respondent's notice) shall be filed and a copy thereof shall be served on the appellant, and upon all parties to the proceedings in the court below who are directly affected by the contentions of the respondent, and shall be served within fourteen days after the service of the memorandum of grounds of appeal on the respondent.

14. A respondent's notice may be amended by or with the leave of the Court, at any time.

15. (1) A respondent intending to rely upon a preliminary objection to the hearing of the appeal shall give the appellant three clear days notice thereof in Civil Form 3 in the Schedule before the hearing setting out the grounds of objection and shall file such notice together with four copies thereof with the Registrar within the same time.

(2) If the respondent fails to comply with this rule the Court may refuse to entertain the objection or may adjourn the hearing thereof at the cost of the respondent or may make such other order as it thinks fit.

16. (1) The Court may in any case direct that the notice of appeal or memorandum of grounds of appeal be served upon any party to the proceedings in the court below on whom it has not been served, or upon any person not party to those proceedings.

(2) In any case which the Court directs the notice of appeal or memorandum of grounds of appeal be served on any party or person, the Court may also direct that any respondent's notice by which the party or person is directly affected shall be served upon him.

(3) The Court may in any case where it gives a direction under this rule -

- (a) postpone or adjourn the hearing of the appeal for such period and upon such terms as may be just; and
- (b) give such judgement and make such order on the appeal as might have been given or made if the persons served in pursuance of the direction had originally been parties.

17. (1) In relation to an appeal the Court shall have all the powers and duties as to amendment and otherwise of the Grand Court.

(2) The Court shall have full discretionary power to receive further evidence upon questions of fact, either by oral examination in Court, by affidavit, or by deposition taken before an examiner or commissioner.

(3) The Court shall have power to draw inferences of fact and to give any judgment and make any order which ought to have been given or made, and to make such further or other order as the case may require.

(4) The powers of the Court under sub-rules (1), (2) and (3) may be exercised notwithstanding that no notice of appeal or respondent's notice has been given in respect of any particular part of the decision of the court below or by any particular party to the proceedings in

that court, or that any ground for allowing the appeal or for affirming or varying the decision of that court is not specified in such a notice; and the Court may make any order, on such terms as the Court thinks just, to ensure the determination on the merits of the real question in controversy between the parties.

(5) The powers of the Court in respect of an appeal shall not be restricted by reason of any interlocutory order from which there has been no appeal.

Powers of Court as to new trials.

18. (1) On the hearing of any appeal the Court may, if it thinks fit, -
(a) set aside a verdict, finding or judgement of the court below; or

(b) make such other order as could have been made by the Lord Chancellor and the Court of Appeal in Chancery on an appeal from a judgement of the Court of Chancery prior to the coming into force of the Supreme Court of Judicature Act, 1873 of the United Kingdom.

(2) A new trial shall not be ordered on the grounds of misdirection, the improper admission or rejection of evidence, or because the verdict of the jury was not taken upon a question which the Judge at the trial was not asked to leave to them, unless in the opinion of the Court some substantial wrong or miscarriage has been thereby occasioned.

(3) A new trial may be ordered on any question without interfering with the finding or decision upon any other question; and if it appears to the Court that any such wrong or miscarriage as is mentioned in sub-rule (2) affects only part of the matter in controversy, or only one or some of the parties, the Court may order a new trial as to that part only, or as to that party or those parties only, and give final judgment as to the remainder.

(4) In any case where the Court has power to order a new trial on the ground that damages awarded by a jury are excessive or inadequate, the Court may, in lieu of ordering a new trial, -

(a) with the consent of all parties concerned, substitute for the sum awarded by the jury such sum as appears to the Court to be proper;

(b) with the consent of the party entitled to receive or liable to pay the damages, as the case may be, reduce or increase the sum awarded by the jury by such amount as appears to the Court to be proper in respect of any distinct head of damages erroneously included in or excluded from the sum so awarded, but, except as aforesaid, the Court shall not have power to reduce or increase the damages awarded by a jury.

(5) A new trial shall not be ordered by reason of the ruling of any Judge that a document is sufficiently stamped or does not require to be stamped.

Evidence on appeal.

19. Where any question of fact is involved in an appeal, the evidence taken in the court below bearing on such question shall, subject to any direction of the Court, be brought before that court as follows -

(a) in the case of evidence taken by affidavit, by the production of such affidavits, or of office copies thereof;

(b) in the case of evidence given orally, by the production of a copy of the Judge's notes, or by such other means as the Court may direct.

Stay of execution.

20. (1) Except so far as the court below or the Court may otherwise direct, -

(a) an appeal shall not operate as a stay of execution or of proceedings under the decision of the Court below;

(b) no intermediate act or proceeding shall be invalidated by an appeal.

(2) On an appeal from the Grand Court, interest for such time as execution has been delayed by the appeal shall be allowed unless the Court or a Judge otherwise orders.

Applications to Court.

21. (1) Except as otherwise provided by these Rules every application to a single Judge of the Court shall be by motion.

(2) Any application to the Court for leave to appeal (other than an application made after the expiration of the time for appealing) shall be made ex parte in the first instance; but, unless the application is then dismissed or it appears to the Court that undue hardship would be caused by an adjournment, the Court shall adjourn the application and give directions for the service of notice thereof upon the party or parties affected, and if on the adjourned application leave to appeal is refused the Court may make such order as to the costs of any such party as may be just.

(3) Where an ex parte application has been refused by the court below, an application for a similar purpose may be made to the Court ex parte within seven days from the date of the refusal.

(4) Wherever under the provisions of the Law or of these Rules an application may be made either to the court below or to the Court, it shall be made in the first instance to the court below.

Proceedings where notes etc. of court below not produced.

22. On the hearing of an appeal, the Court shall have power, if the notes of the court below or a transcript of the evidence are not produced, or if there are no such notes or transcript, to hear and determine such appeal upon any other evidence or statement of what occurred before such court which the Court may deem sufficient.

Withdrawal of appeal.

23. If the appellant files with the Registrar a notice in Civil Form 4 in the Schedule that he desires to withdraw his appeal, the appeal shall stand dismissed with costs to the date on which such notice is

filed. The appellant at the same time shall serve copies of the notice of withdrawal on all or any of the parties with regard to whom the appellant wishes to withdraw his appeal, and any party so served shall be precluded from laying claim to any costs incurred by him after such service unless the Court shall otherwise order.

Applications to single Judge.

24. (1) In any case or matter pending before the Court, a single Judge may, upon application, make an order for -

- (a) a stay of execution on any judgement appealed from pending the determination of such appeal;
- (b) an injunction restraining the defendant in the action from disposing or parting with the possession of the subject-matter of the appeal pending the determination thereof; or
- (c) extension of time,

and may hear, determine and make an order on any other interlocutory application.

(2) Any application to a single Judge under the Law or under this rule shall be made by way of summons or motion on notice. Such application shall be supported of affidavit, a copy of which shall be served with the summons or notice of motion.

(3) Where an application is made by summons, an order may be made adjourning the hearing into open court.

(4) Where an applicaiton made by summons is heard in open court, it shall be treated as if it were a motion.

Dismissal of appeal in default of appearance.

25. (1) If the appellant fails to appear when his appeal is called on for hearing the appeal may be struck out or dismissed with or without costs.

(2) When an appeal has been struck out or dismissed owing to non-appearance of the appellant the Court may, on applicaiton by the appellant by notice of motion, supported by an affidavit, if it thinks fit, and on such terms as to costs or otherwise as it may deem just, direct the appeal to be re-entered for hearing:

Provided that no application under this paragraph shall be made after the expiration of twenty-one days from the date of the judgement or order sought to be set aside.

Non-appearance of respondent.

26. (1) If the respondent fails to appear when the appeal is called on for hearing the Court may proceed to hear the appeal ex parte.

(2) Where an appeal has been heard ex parte and any judgement has been given therein adverse to the respondent he may apply by notice of motion to the Court to set aside such judgement and re-hear the appeal and the Court may, if it thinks fit, and on such terms as to costs or otherwise, as it may deem just, direct the appeal to be re-entered for hearing:

Provided that no application to set aside any judgment and re-hear the appeal under this paragraph shall be made after the expiration of twenty-one days from the date of the judgement sought to be set aside.

Execution of judgement by court below.

(3) Any such application shall be by motion supported by affidavit setting forth the reasons and grounds for the application, and the Court may thereupon in its direction set aside the judgement and order that the appeal be re-heard at such time and upon such conditions as to costs or otherwise as it may think fit.

27. A certificate in Civil Form 5 in the Schedule under the seal of the Court and the hand of the Registrar setting forth the judgment of the Court shall be filed in the court below, and the judgment shall be enforced by that court.

Court fees.

28. The fees prescribed in the Schedule shall be charged in respect of the matters to which they are respectively assigned.

Counsel's fees.

29. The taxing officer when taxing the fees for professional legal services shall adhere to the scales and practices from time to time in force in the Grand Court in relation to the taxation of costs.

Fees chargeable.

30. (1) The fees to be charged for witnesses shall be those provided for in the Schedule to the Judicature Law:

Provided that the Court in its discretion may prescribe a higher fee.

(2) An interpreter shall be paid as if he were a professional person or merchant.

Taxation of costs.

31. (1) Where the costs of an appeal are allowed they may either be fixed by the Court by consent of the parties at the time when the judgment is given or may be ordered to be taxed.

(2) The Registrar shall be the taxing officer.

(3) Three days' notice of taxing costs, together with a copy of the bills of cost, shall be given by the counsel of the party whose costs are to be taxed to the other party or his counsel in all cases where a notice to tax is necessary.

(4) If, upon the taxation of costs, more than one-sixth is deducted from any bill of costs taxed as between party and party, no costs incurred in the taxation shall be allowed as part of such bill, nor shall such costs of taxation be charged or chargeable as between counsel and client.

(5) If, upon the taxation of costs, more than one-sixth is deducted from any bill of costs taxed as between counsel and client, no costs incurred in the taxation shall be allowed as part of such bill; and, on a taxation resulting as last mentioned, it shall be lawful for the taxing officer to assess the costs of being represented by counsel which may have been incurred by the client or other party or parties on whom notice of taxation has been served, and to sign an allocatur for the amount so assessed; and it shall be lawful for the client, or other party or parties as aforesaid, to sue out execution for the amount so assessed without any further or other proceeding.

(6) Any party who may be dissatisfied with the certificate or allocatur of the taxing officer as to any item or part of an item which may have been objected to as aforesaid, may within fourteen days from the date of the certificate or allocatur or such other time as the Court or Judge, or taxing officer at the time he signs his certificate or allocatur, may allow, apply to the Court for an order to review the taxation as to the same item or part of an item, and the Court may thereupon make such order as to the Court may seem just; but the certificate or allocatur of the taxing officer shall be final and conclusive as to all matters which shall not have been objected to in manner aforesaid.

(7) Any application to the Court under sub-rule (6) shall be by motion accompanied by an affidavit in support, and notice of such motion shall be served upon the taxing officer and upon all parties having interest therein.

PART III CRIMINAL APPEALS

32. A person desiring to appeal to the Court against conviction or sentence shall commence his appeal by submitting to the Registrar and to the Clerk of the Grand Court a notice of appeal, notice of application for leave to appeal or notice of application for extension of time within which such notice shall be given, as the case may be, in the form of such notices set forth in Criminal Forms 1 or 2 in the Schedule, and in the notice or notices so sent, shall answer the questions and comply with the requirement set forth thereon, subject to the provisions of rule 10. The answers to the questions which the applicant is by this rule required to make in support of his request to be present at the hearing of his appeal shall be deemed to be applications to the Court in such matter.

33. (1) The certificate of the Judge of the Grand Court under section 5 (b) of the Law may be in Criminal Form 3 in the Schedule.

(2) The Grand Court may, in any case in which it considers it desirable so to do, inform the person convicted before or sentenced by it that the case is, in its opinion, one fit for an appeal to the Court under section 5.

(b) of the Law and may give to such person a certificate to that effect in Criminal Form 3 in the Schedule.

34. (1) Every notice of appeal, notice of application for leave to appeal or notice of application for extension of time within which such notice shall be given shall be signed by the appellant or his counsel, except under the provisions of sub-rules (3), (4) and (5). Any other notice required or authorized to be given shall be in writing and signed by the person giving the same or by his counsel. All notices required or authorized to be given shall be addressed to the Registrar.

(2) Where an appellant or applicant is a prisoner any document to be served upon him shall be delivered to the Director of Prisons, who shall cause the same to be served on such prisoner.

(3) Where an appellant or other person authorized or required to give or send any notice of appeal or notice of any application is unable to write, he may affix his mark thereto in the presence of a witness who shall attest the same, and thereupon such notice shall be deemed to be duly signed by him.

(4) Where, on the trial of a person entitled to appeal, it has been contended that he was not responsible according to law for his actions on the ground that he was insane at the time that act was done or the omission made by him, any notice required to be given and signed by the appellant himself may be given and signed by his counsel.

(5) In the case of a body corporate, where any notice or other document is required to be signed by the appellant, it shall be sufficient compliance therewith if such notice or other document is signed by its secretary, clerk, manager or counsel.

35. An application to the Court for an extension of time within which notices may be given, shall be in Criminal Form 2 in the Schedule. Every person making an application for such extension of time shall send to the court below together with the proper form of such application, a form, duly filled up of notice of appeal, or of notice of application for leave to appeal, appropriate to the ground or grounds upon which he desires to question his conviction or sentence, as the case may be.

36. (1) The shorthand-writer (if there was one) shall sign the shorthand note taken by him of any trial or proceedings, or of any part of such trial or proceedings, and certify the same to be complete and correct shorthand note thereof; and such shorthand note shall be kept in such custody as the Registrar shall, either specially or generally, direct.

(2) The shorthand-writer shall, on being directed by the court below, furnish to it for the use of the Court a transcript of the whole or of any part of the shorthand note taken by him of any trial or proceedings in reference to which an appellant has appealed under the Law.

(3) A transcript of the whole or any part of any shorthand note relating to the case of any appellant which may be required for the use of the Court shall be typewritten and verified by the person making the same by a statutory declaration in Criminal Form 4 in the Schedule that the same is a correct and complete transcript of the whole or of such part, as the case may be, of the shorthand note purporting to have been taken, signed and certified by the shorthand writer who took the same.

(4) On the application of a party interested in a trial or other proceedings in relation to which a person may appeal under the Law, the court below shall direct the shorthandwriter (if there was

Forms of appeal, notices and questions thereon.

Judge's certificate under s. 5 (b) of Law.

Signature and service of notices.

Notice of application for extension of time for appealing.

Shorthand note.

one) to furnish to such party, and to no other person, a transcript of the whole or of any part of the shorthand note of any such trial or other proceedings, on payment to the court below of a fee of two dollars per page of foolscap.

(5) A party interested in an appeal under the Law may obtain from the court below a copy of the transcript of the whole or of any part of any such shorthand note as relates to the appeal on payment to the court below of a fee of two dollars per page of foolscap.

(6) A transcript of any shorthand note taken of the proceedings at the trial of any appellant shall not be supplied free of charge, except by an order of the Court or a judge thereof upon an application made by an appellant or by counsel assigned to him under the law.

(7) For the purposes of this rule, "a party interested" means the prosecutor or the person convicted, or any other person named in or immediately affected by any order made by the court below, or other person authorized to act on behalf of a party interested as herein defined; but shall not include the Attorney General, to whom a copy of such transcript shall be furnished free of charge.

(8) If for any reason the shorthand notes (if there were any) of the proceedings at the trial are not available, or if for any other reason the Court so requires, the Registrar shall, if the Court directs him so to do, request the court below to furnish him with a certified copy of the whole or any part of his notes of the trial or with a report in writing, giving his opinion upon the case generally or upon any point arising upon the case of the appellant, or both, and such court shall furnish the same to the Registrar.

Report of court below.

37. (1) The Registrar shall, if in relation to any appeal the Court directs him so to do, request the court below to furnish him with a report in writing, giving its opinion upon the case generally or upon any point arising upon the case of the appellant, and such court shall furnish the same to the Registrar.

(2) The report of the court below shall be made to the Court, and the Registrar, on request, shall furnish a copy thereof to the appellant and to the respondent.

Furnishing court below with materials for reports.

38. When the Registrar requests the court below to furnish a report under these Rules, he shall send to such court a copy of the notice of appeal, notice of application for leave to appeal or any other document or information which he shall consider material, or which the Court at any time shall direct him to send or with which the court below may request to be furnished by the Registrar, to enable such court to deal in such report with the appellant's case generally or with any point arising thereon.

Copies of documents or exhibits.

39. (1) At any time after notice of appeal or notice of application for leave to appeal has been given under the Law or these Rules, an appellant or respondent, or the counsel or other persons representing either of them, may obtain from the court below copies of any documents or exhibits in its possession under the Law or these Rules

Registrar to notify receipt of notice of appeal.

for the purposes of such appeals. Such copies shall be supplied by the court below on payment of a fee of two dollars per page of foolscap.

(2) Where counsel is assigned to an appellant under the Law, copies of such documents or exhibits which he may request the court below to supply shall without charge be supplied, unless such court thinks that they are not necessary for the purposes of the appeal.

(3) Where an appellant who is not legally represented requires from the court below a copy of any such document or exhibit in its custody for the purposes of his appeal he may obtain it free of charge if, under all the circumstances, the court below thinks it is desirable or necessary to supply the same to him.

40. (1) When the Registrar has received a notice of appeal or where leave to appeal is granted to any appellant, he shall -

- (a) notify the Attorney General; or
- (b) if the prosecutor is a private person, enquire if he intends to defend the appeal and, if the answer is in the negative, so inform the Attorney General.

(2) It shall be the duty of a prosecutor who declines to defend the appeal and of his counsel to furnish to the Registrar and the Attorney General, or either of them, any information, documents, matters and things in his possession or under his control connected with the proceedings against the appellant, which the Registrar or the Attorney General may require for the purposes of their duties under the Law.

Legal aid to appellants.

41. (1) The Registrar shall cause to be prepared and kept up to date, in such form as he thinks convenient, a list of counsel who are willing to act if and when nominated under the Law as counsel for appellants.

(2) When legal aid is assigned to an appellant, the Court may give such directions as to the stage of the appeal at which such legal aid shall commence.

(3) The Registrar shall thereupon, subject to any special order of the Court, select from such lists or otherwise a counsel for the purpose of affording legal aid to an appellant, having regard in so doing to the counsel, if any, who represent the appellant at the trial and to the nature of the appeal.

Fees to be prescribed.

42. The Court may prescribe the fees to be paid to counsel, which shall not exceed in any case the fees paid to counsel in the Grand Court.

Person in custody in default of payment of fine.

43. (1) Where a person, on his conviction, has been sentenced to pay a fine and in default of payment to imprisonment, and such person remains in custody in default of payment of the fine, for purposes of appeal he shall be deemed to be a person sentenced to imprisonment.

(2) Where any person has been convicted and is thereupon

sentenced to the payment of a fine and, in default of such payment, to imprisonment, and he indicates to the court below that he is desirous of appealing to the Court against his conviction, such court may, if it thinks right so to do, order such person forthwith to enter into recognizances in such amount, and with or without sureties in such amount, as it may think right, to prosecute his appeal and, subject thereto, may order that payment of the fine shall be made at the final determination of his appeal, if the same be dismissed, to the court below, or as the Court may then order. The recognizances under this rule shall be in Criminal Forms 5 and 6 in the Schedule. The court below shall forward the recognizances of the appellant and his surety or sureties to the Registrar.

(3) If an appellant to whom sub-rule (2) applies does not serve in accordance with these Rules a notice of appeal or of abandonment of his appeal within fourteen days from the date of his conviction or sentence, the court below shall of his conviction or sentence, the court below shall report such omission to the Court, which may, after notices in Criminal Forms 7 and 8 in the Schedule have been given to the appellant and his sureties, if any, order an estreat of the recognizances of the appellant and his sureties, and may issue a warrant for the apprehension of the appellant and may commit him to prison in default of payment of his fine, or may make such other order as it may think right.

44. An appellant who has been sentenced to the payment of a fine and has paid it or part of it in accordance with such sentence shall, in the event of his appeal being successful, be entitled, subject to any order of the Court, to the return of the sum so paid by him.

45. (1) Where, on the conviction of a person, the court below makes an order condemning such person to the payment of the whole or of any part of the costs and expenses of the prosecution for the offence of which he shall be convicted out of any moneys taken from such person on his apprehension or otherwise, or where such court makes on the conviction of any person before it any order for the payment of money by such convicted person or by any other person or any order affecting the rights of property of such convicted person, the operation of such orders shall in any such cases be suspended until the expiration of fourteen days after the day on which any of such orders was made. In cases where notice of appeal or notice of application for leave to appeal is given within fourteen days from and after the date of the verdict against such person, such order shall be further suspended until the determination of the appeal against the conviction in relation to which it was made. The Court may, by order, annul any order to which this rule refers on the determination of any appeal under the Law or may vary such order, and such order, if annulled, shall not take effect, and, if varied, shall take effect as so varied. The court below shall keep a record of any orders to which this rule refers.

Paid fine to be returned if appeal successful.

Temporary suspension of orders made on conviction.

(2) Where upon the conviction of any person of any offence, the court below orders that any disqualification, forfeiture or disability attach to such person, and notice of appeal or notice of application for leave to appeal is given in respect of such conviction, sentence or order, the Court or a single Judge may upon application suspend such disqualification, forfeiture or disability until the determination of the proceedings upon appeal.

(3) Where the court below makes any such order as mentioned in this rule on a person convicted before it, it shall give such directions as it thinks right as to the retention, by any person, of any money or valuable securities belonging to the person so convicted and taken from him on his apprehension or of any money or valuable securities at the date of his conviction in the possession of the prosecution, for a period of fourteen days or, in the event of appeal, until the determination thereof by the Court. The court below shall keep a record of any directions given under this rule.

(4) When the court below on the conviction of a person before it makes any order for payment of money by such person or by any other person upon such conviction and, by reason of this rule, such order would otherwise be suspended, such court may, if it thinks right so to do, direct that the operation of such order shall not be suspended unless the person on whom such order has been made shall, in such manner and within such time as the court shall direct, give security by way of undertaking or otherwise for the payment to the person in whose favour such an order shall have been made of the amount therein named. Such security may be to the satisfaction of the person in whose favour the order for payment shall have been made or of any other person as the court shall direct.

(5) Where on a conviction any property, matter or thing, the subject of the prosecution or connected therewith, are to be or may be ordered to be destroyed or forfeited under the provisions of any Law or subsidiary legislation, the destruction or forfeiture, or order for destruction or forfeiture thereof, shall be suspended for the period of fourteen days from and after the date on which the verdict on the indictment was returned and, in the event of an appeal under the Law, shall be further suspended until the determination thereof by the Court.

(6) Where, upon conviction of any person of any offence, any claim may be made or any proceedings may be taken under any Law or subsidiary legislation against such person or any other person in consequence of such conviction, such proceedings shall not be taken until after a period of fourteen days from the date on which the verdict against such person was returned nor in the event of an appeal under the Law to the Court, until the determination thereof.

(7) Any person affected by any order which is suspended under this rule may, with the leave of the Court, be heard on the final determination of any appeal, before any such order is varied or annulled by the Court.

46. (1) Where the Court admits an appellant to bail pending the determination of his appeal on an application by him duly made, the Court shall specify the amounts in which the appellant and his surety or sureties (unless the Court directs that no surety is required) shall be bound by recognizance and shall direct, if it thinks right so to do, before whom the recognizances of the appellant and his surety or sureties (if any) may be taken.

(2) The Registrar shall notify the appellant and the Director of Prisons of the terms and conditions on which the appellant may be admitted to bail under the Law.

(3) In the event of the Court not making any special order or giving any special directions under this rule, the recognizances of the appellant and of his surety or sureties (if any) may be taken before a Justice of the Peace and shall be sent to the Registrar.

(4) The recognizances provided for in this rule shall be in Criminal Forms 9 and 10 in the Schedule.

(5) The Registrar, on being satisfied that the recognizances of the appellant and his surety or sureties (if any) are in due form and in compliance with the order of the Court admitting the appellant to bail, shall send in Criminal Form 11 in the Schedule a notice to the Director of Prisons. This notice, when received by Director of Prisons, shall be a sufficient authority to him to release the appellant from custody.

(6) An appellant who has been admitted to bail shall be personally present at every hearing of his appeal, and at the final determination thereof. The Court may, in the event of such appellant not being present at any hearing of his appeal if it thinks right so to do, decline to consider the appeal and may proceed summarily to dismiss the same, and may issue a warrant for the apprehension of the appellant in Criminal Form 12 in the Schedule:

Provided that the Court may consider the appeal in his absence, or make such other order as it may think fit.

(7) When an appellant is present before the Court, the Court may, on an application made by any person or, if it thinks right so to do, without any application, make an order admitting the appellant to bail, or revoke or vary any such order previously made, or enlarge from time to time the recognizances of the appellant or of his sureties or substitute any other surety for a surety previously bound as it thinks right.

(8) At any time after an appellant has been released on bail, the Court may, if satisfied that it is in the interests of justice so to do, revoke the order admitting to bail, and issue a warrant in Criminal Form 12 in the Schedule for his apprehension, and order him to be committed to prison.

(9) The Court may on any breach of the recognizances of the appellant, if it thinks right so to do, order such recognizances and those of his surety or sureties to be estreated.

(10) Where the surety or sureties for an appellant upon whose recognizances such appellant has been released on bail by the Court suspects or suspect that the appellant is about to depart out of the Islands, or in any manner to fail to observe the conditions of his

recognizances on which he was so released, such surety or sureties may lay an information before a Justice of the Peace who shall thereupon issue a warrant for the apprehension of the appellant.

(11) The appellant, on being apprehended under the warrant, shall be brought before a summary court, which shall on verification of the information by oath of the informant, by warrant of commitment, commit the appellant to prison.

(12) The summary court on the commitment of any such appellant, shall forthwith notify the Registrar to that effect and forward to him the information and the deposition in verification thereof taken before such court, together with a copy of the warrant of commitment.

(13) When an appellant has been released on bail and has, under warrant under these Rules or by his surety or sureties, been apprehended and is in prison, the Director of Prisons shall forthwith notify the Registrar who shall take steps to inform the Court thereof and the Court may give to the Registrar such directions as to the appeal or otherwise as it shall think right.

Abandonment of appeal.

47. (1) An appellant at any time after he has duly served notice of appeal or of application for leave to appeal or of application of extension of time within which such notice shall be given, may abandon his appeal by giving notice of abandonment thereof in Criminal Form 13 in the Schedule to the Registrar, and upon such notice being given, the appeal shall be deemed to have been dismissed by the Court.

(2) Upon receipt of notice of abandonment duly completed and signed or marked by the appellant or party authorised to sign notices under rule 34, the Registrar shall give notice thereof in Criminal Form 14 in the Schedule to the respondent, the Director of Prisons and the court below and, in the case of an appeal against conviction involving a sentence of death, shall in like manner give notice to the Governor, and the Registrar shall also return to the court below any original documents and exhibits received from it.

Varying order of restitution of property.

48. Where, upon the trial of a person entitled to appeal against his conviction, an order of restitution of any property to any person has been made by the court below, the person in whose favour or against whom the order of restitution has been made and, with the leave of the court, any other person, shall, on the final hearing by the Court of an appeal against the conviction on which such order of restitution was made, be entitled to be heard by the Court before any order annulling or varying such order of restitution is made.

Judgement of the Court.

49. Unless the Court directs to the contrary, in cases where, in the opinion of the Court, the question for decision is a question of law on which it would be convenient that separate judgments should be pronounced by the Judges of the Court, the judgement of the Court shall be pronounced by the presiding Judge or such other Judge of the Court hearing the appeal as he may direct, and no judgement

with respect to the determination of any question shall be separately pronounced by any other member of the Court.

Notification of final determination of appeals.

50. (1) On the final determination of any appeal or of any application to the Court, the Registrar shall give to the appellant, if he be in custody and has not been present at such final determination, and to the respondent and the Director of Prisons notice of such determination in Criminal Forms 15 to 18 in the Schedule.

(2) In any case of an appeal in relation to a conviction involving a sentence of death, the Registrar, on receiving the notice of appeal or of any application for leave to appeal, shall send copies thereof to the Governor and to the Director of Prisons, and on the final determination of such appeal by the Court shall forthwith notify the appellant, the Governor, the respondent and the Director of Prisons.

Notification of appeals.

50. (1) The Registrar at the final determination of an appeal shall notify in Criminal Form 18 in the Schedule, or in such other manner as he thinks most convenient, to the court below, the decision of the Court in relation thereto and also any orders or directions made or given by the Court in relation to such appeal or any matter connected therewith.

(2) The court below, on receiving the notification referred to in this rule, shall enter the particulars thereof on its records.

Restrictions on issue of certificate of conviction.

52. The court below shall not issue, under any law authorising it so to do, a certificate of conviction of any person convicted in that court if notice of appeal or notice of application for leave to appeal is given, until the determination or abandonment thereof.

Return of original depositions, etc.

53. Upon the final determination of an appeal for the purposes of which the Registrar has obtained from the court below any original depositions, exhibits, indictment, information, inquisition, plea or other document usually kept by it, or forming part of the record of that court, the Registrar shall, where practicable, cause the same to be returned to the court below.

Attendance of witness before the Court.

54. (1) Where the Court has ordered any witness to attend and be examined before the Court, an order in Criminal Form 19 in the Schedule shall be served upon such witness specifying the time and place at which to attend for such purpose

(2) Such order may be made on the application, at any time, of the appellant or respondent, but if the appellant is in custody and not legally represented the application shall be made in Criminal Form 20 in the Schedule.

(3) Where any witness receives an order or notice to attend before the Court, the Registrar may, if it appears to him necessary so to do, pay to such witness a reasonable sum for his expenses.

(4) The appellant and the respondent and their respective counsel (if any) shall be entitled to be present at and take part in any examination of any witness to which this rule relates.

Duties of Registrar with respect to notices of appeal etc.

55. Subject to subsection (2) of section 2B of the Law, the Registrar shall furnish the necessary forms and instructions in relation to notices of appeal or notices of application under Part III of the Law to any person who demands the same, and to officers of courts, the Director of Prisons and such other officers or persons as he thinks fit, and the Director of Prisons shall cause those forms and instructions to be placed at the disposal of prisoners desiring to appeal or to make any application under that Part and shall cause any such notices given by a prisoner to be forwarded on behalf of the prisoner to the Registrar.

Cases reserved.

56. Where a case has been reserved for the opinion of the Court under section 24 of the Law, the provision of Parts I and V and the other provisions of this Part shall mutatis mutandis apply:

Provided that if any difficulty arises in respect of such case, the Court may give directions, either with respect to a particular case or generally, as to the procedure to be followed for the removal of such difficulty.

PART IV SECOND APPEALS FROM GRAND COURT

How appeal shall be made.

57. (1) A person desiring to appeal to the Court under subsection (1) of section 25 of the Law from a judgement of the Grand Court give in the exercise of its appellate or revisional jurisdiction shall commence his appeal by notice of motion.

(2) Notice of appeal may be given in respect of the whole or any part of the judgement of the court below and every such notice shall specify the point or points of law relied upon by the appellant as his grounds of appeal.

(3) Except with the leave of the Court, the appellant shall not be entitled on the hearing of an appeal to rely on any grounds of appeal not specified in the notice of appeal.

(4) A notice of appeal shall be served upon all parties to the proceedings in the court below, and in the case of any criminal cause or matter upon the Attorney General whether or not he is such a party.

(5) Every notice of appeal shall be filed and a copy thereof shall be served under sub-rule (4) within fourteen days of the date on which the judgment of the court below was signed entered, delivered or otherwise perfected.

Registrar shall prepare record.

58. When any notice of appeal has been received by the Registrar under this Part, he shall take steps to prepare the record which shall consist of the record of the proceedings in the court below together with copies of the notes of evidence and of argument, if any, of the court and of the judgment or order appealed against.

Application of Rules.

59. Save as is otherwise provided in this Part, the provisions of Part II shall apply in the case of any second appeal to the Court in any

civil cause or matter, and the provisions of Part III shall apply in the case of any such appeal in a criminal cause or matter, *mutatis mutandis*.

Six copies of proceedings to be provided.

60. Six copies of the proceedings and of the notes of evidence (if any) shall be provided by the court below in the case of any appeal to the Court under this Part and such copies shall be forwarded by such court together with copies of the judgment so appealed against to the Registrar for preparation of the record.

**PART V
GENERAL**

Special case.

61. In the case of an appeal submitted for the consideration of the Court under section 19 of the Law in the form of a special case, the other provisions of these Rules shall *mutatis mutandis* apply:

Provided that if any difficulty arises in respect of any such appeal, the Court may give directions, either with respect to a particular appeal or generally, as to the procedure to be followed for the removal of such difficulty.

Case transferred upon direction.

62. Where a case has been transferred to the Court upon a direction under subsection (3) of section 25 of the Law, the other provisions of these Rules shall *mutatis mutandis* apply:

Provided that if any difficulty arises in respect of any such case, the Court may give direction, either with respect to a particular case or generally, as to the procedure to be followed for the removal of such difficulty.

Revocation and saving.

63. (1) The Court of Appeal Rules, 1962 of Jamaica, in so far as they are in force and applicable to the Islands, are revoked:

Provided that in relation to any appeal that was pending immediately before the date of the coming into force of these Rules the provisions of those Rules shall continue to apply in all respects as if those Rules had not been revoked.

(2) In case any difficulty arises in respect of any such appeal, the Court may give directions, either with respect to a particular proceeding or generally, as to the procedure to be followed for the removal of such difficulty.

**THE SCHEDULE
FEES OF COURT IN CIVIL APPEALS
(RULE 28)**

1. On filing of Notice of Appeal against a final judgment or decision entering the appeal for hearing and on judgment thereunder an inclusive fee of \$50.00
2. On filing notice of Appeal against an interlocutory order or decision, entering the appeal for hearing and on judgment thereunder an inclusive fee of \$30.00

3. On filing Respondent's notice of intention to contend that the decision of Court below be varied \$20.00
4. For entering a special case, case stated, point of law or demurrer for argument, entering same for hearing and on judgment thereunder an inclusive fee of . \$30.00
5. On making any application not otherwise specifically provided for, and for filing judgment or order thereunder an inclusive fee of \$20.00
6. On filing bond to secure costs of appeal \$10.00
7. On filing motion for leave to appeal to the Judicial Committee of The Privy Council \$10.00
8. On filing order for leave to appeal to the Judicial Committee of the Privy Council \$10.00
9. On appointment to settle record on appeal to the Judicial Committee of the Privy Council \$5.00
10. On sealing record on appeal to the Judicial Committee of the Privy Council \$10.00
11. On filing every document or exhibit for which no special fee is provided . . \$2.50
12. On certifying any document as an office copy \$5.00
13. For a copy of reasons of judgment per folio of 100 words or part thereof . . \$1.00
But with a minimum fee, for one set of reasons, of \$5.00
And with a maximum fee, for one set of reasons, of \$100.00
14. For an office copy of any document filed in the Registry, per folio of 100 words or part thereof for the first folio \$1.00
15. Motion to dismiss for want of Prosecution \$20.00
16. Motion to extend time for filing appeal \$20.00
17. All other motions except item No. 7 (above) \$20.00
18. Summonses for extension of time to file record \$20.00
19. Affidavit certifying any document as an office copy \$5.00
(this included attested copy of a document)

CAYMAN ISLANDS
CIVI FORM 1

Rule 11 (1)

IN THE COURT OF APPEAL

NOTICE OF APPEAL

Between

..... (Plaintiff/Defendant) *Appellant(s)
and
..... (Defendant/Plaintiff) *Respondent(s)

TAKE NOTICE that the Court of Appeal will be moved so soon as Counsel can be heard on behalf of the above-named (Plaintiff/Defendant) *Appellant(s) On Appeal from (the whole of) *(or that part of) *the judgment (or order)* herein of the Honourable Mr. Justice given (or made)* at the trial of this (action) * on the day of 19 ..

(i) Here set out the whole or part of the decision complained about whereby it was adjudged (or ordered) (i)

(ii) State the precise form of order applied for For an Order (ii)

Dated this day of 19

.....
Counsel for the above-named Appellant.

To: The above-named Respondent.

And To:
His Counsel

* Strike our words inapplicable.

CAYMAN ISLANDS
CIVIL FORM 2

RULE 13(1)

IN THE COURT OF APPEAL

NOTICE BY RESPONDENTS OF INTENTION TO CONTENT THAT DECISION OF GRAND COURT BE VARIED

CIVIL APPEAL NO. of 19

Between

..... (Plaintiff/Defendant) *Appellant(s)
and
..... (Plaintiff/Defendant) *Respondent(s)

TAKE NOTICE that upon the hearing of the above appeal the Respondent herein intends to contend that the decision of the (Court below) dated the day of 19 should be varied as follows:†

AND TAKE NOTICE that the grounds on which the Respondent intends to rely are as follows:-

- (1)
- (2)
- (3), etc.

Dated this day of 19

.....
Respondent(s)

To (Apellant)
and to the Registrar.

* Strike our the words inapplicable.
† State the variations which will be asked for.

CAYMAN ISLANDS
CIVIL FORM 3

RULE 15 (1)

IN THE COURT OF APPEAL

NOTICE BY RESPONDENT OF INTENTION TO RELY UPON PRELIMINARY
OBJECTION

Civil Appeal No. _____ of 19 _____

Between

..... (Plaintiff/Defendant) * Appellant(s)

and

..... (Plaintiff/Defendant) * Respondent(s)

TAKE NOTICE, that the Respondent herein named intends, at the hearing of this appeal,
to rely upon the following preliminary objection notice whereof is hereby given to you, viz:-

AND TAKE NOTICE that the grounds of the said objection are as follows:-

- 1.
- 2.
- 3, etc.

Dated this day of 19.....

.....
(Plaintiff/Defendant) * Respondent(s)

To the above-named (Plaintiff/Defendant) * Appellant(s).

* Strike out the words inapplicable.

CAYMAN ISLANDS
CIVIL FORM 4

RULE 23

IN THE COURT OF APPEAL

NOTICE OF WITHDRAWAL OF APPEAL-

Civil Appeal No. _____ of 19 _____

Between

..... (Plaintiff/Defendant*) Appellant

and

..... (Plaintiff/Defendant)* Respondent

TAKE NOTICE that the Appellant(s) herein desire(s) to and doth hereby wholly with-
draw(s) his/their appeal against (all) the Respondent(s) in the abovementioned appeal.

Dated this day of 19.....

.....
The Registrar, The Court of Appeal

.....
Appellant(s)

And to Respondent(s)

* Strike out words inapplicable.

CAYMAN ISLANDS
CIVIL FORM 5

RULE 27

IN THE COURT OF APPEAL

CERTIFICATE OF THE ORDER OF THE COURT

Civil Appeal No. _____ of 19

Appeal from the judgment of the Grand Court dated the

..... day of 19

..... Motion

..... Appeal No.

Between

..... (Plaintiff/Defendant)* Appellant(s)

and

..... (Plaintiff/Defendant)* Respondent(s)

This appeal coming on for hearing on the day of

..... 19 before

in the presence of for the

Appellant(s) and for the

Respondent(s).

I HEREBY CERTIFY that an Order was made as follows:-

Given under my hand and the Seal of the Court this day of

..... 19

.....
Registrar

* Strike out words inapplicable.

CAYMAN ISLANDS
CRIMINAL FORM 1

Rule 32

IN THE COURT OF APPEAL

NOTICE OF APPEAL OR APPLICATION FOR LEAVE TO APPEAL AGAINST
CONVICTION ON SENTENCE

Criminal Appeal No. _____ of 19

To the Registrar of the Court of Appeal

Name of Appellant

(1) Court, Convicted at the Court held at (1)

(2) e.g. Larcency, Offence of which convicted (2)
Forgery

Sentence

(3) Set out the actual date upon which the appellant was convicted and sentenced. Date when convicted (3)

Date when sentence passed (3)

(4) If not in custody here set out appellant's address in full. Name of Prison (4)

(5) If the appellant wishing to appeal against conviction he must write the word "conviction" If he wishes to appeal against sentence he must write the

I the above-named appellant hereby give you notice that

I desire to appeal to the Court of Appeal against my (5)

..... on the grounds hereinafter set forth below.

word
"sentence"
If he
wishes to
appeal against
both conviction
and sentence
he must write
the words
"conviction" and
"sentence"

(6) This
notice
must be
signed
by the
appellant
If he
cannot
write he
must
affix his
mark in
the presence
of a witness
The name
and address
of such
attesting
witness
must be given.

(7) If this
notice is
signed
more
than
fourteen
days
after
conviction
or sentence
appealed
against
the
appellant
must
also fill
in Criminal Form
2 and send it
with this notice.

(8) The appellant
must answer
each of
three questions.

(Signed) (6)
Appellant.

Signature and address of
witness attesting marks.

Dated this (7) day of 19

QUESTIONS (8)

ANSWERS

- | | |
|--|-------|
| 1. Did the judge before whom you were tried grant you a certificate that it was a fit case appeal? | |
| | |
| | |

2. Do you desire the Court of Appeal to assign you legal aid?
- If your answer to this question is "Yes" then answer the following questions: -

(a) What was your occupation and what wages, salary or income were you receiving before your conviction?

(b) Have you any means to enable you to obtain legal aid for yourself?

3. Is any solicitor now acting for you? If so give his name and address

4. Do you desire to be present when the Court considers your appeal? (9)

5. Do you desire to apply for leave to call any witnesses on your appeal?

If your answer to this question is "Yes", you must also fill in Criminal Form 20 and send it with this notice

Grounds of Appeal or Application (10)

(9)
An
appellant is
not
entitled to
be present
on
the hearing
of an
application
for
leave to
appeal.

(10) These
must be
filled in
before
the notice
is sent to
the
Registrar.
The ap-
pellant
must here
set out the
grounds
or reason
he alleges
why his
conviction
should be quashed
or his sentence
reduced.
If one of
the
grounds
set out is
"misdirection"

by
the judge,
particu-
lars of
such
alleged
misdirec-
tion
must be
set out in
this
notice.

The appellant can also, if he wishes, set out, in addition to his reasons, his case and arguments fully.

**CAYMAN ISLANDS
CRIMINAL FORM 2**

RULES 32 and 35

IN THE COURT OF APPEAL

NOTICE OF APPLICATION FOR EXTENSION OF TIME WITHIN WHICH
TO APPEAL

TO THE REGISTRAR OF THE COURT OF APPEAL

I,

(1) Here
state the
offence e.g.
Larceny
Forgery.
False pretences
etc.

having been convicted of the offence of (1)
at the Court held at
..... day of

on the
19

(2) State
name of prison
or if not
in custody,
set out address
in full.

and being now in (2)

Give you

Notice, that I hereby apply to the Court of Appeal for an
extension of the time within which I may give Notice of Appeal
(or Notice of Application for leave to Appeal), on the grounds
following:- (3)

(3) Here
set out clearly
and cinsely
the reasons
for the delay
in giving such
notice, and
the grounds
on which you
submit the
Court should
extend the
time.

(Signed)

Dated this

19

CAYMAN ISLANDS
CRIMINAL FORM 3

RULES 33(1) and (2)

IN THE COURT OF APPEAL

JUDGE'S CERTIFICATE

In the Grand Court
holden at

THE QUEEN vs.

State shortly
the offence
e.g. Larceny,
Murder,
Forgery, etc.

WHEREAS the said was tried
and convicted before me, the undersigned, in the
said Court on the.....day of 19.....
on an indictment charging him with
and was thereupon
sentenced by me to

I DO HEREBY CERTIFY that the case is a
fit case for an Appeal by the said
to the Court of
Appeal under section (5) (b) of the Court of Appeal Law, upon
the following grounds:

(Signed)

Judge.

Dated this day of 19 .

CAYMAN ISLANDS
CRIMINAL FORM 4

RULE 36 (3)

IN THE COURT OF APPEAL

DECLARATION VERIFYING TRANSCRIPT OF SHORTHAND NOTES

Criminal Appeal No. 19.....

THE QUEEN vs.

I,
of do solemnly
and sincerely declare that, having been required by the Clerk of the Grand Court to
furnish him a transcript of the shorthand note relating to the trial (or other proceeding)
in relation to which shorthand note is now produced and shown to me marked and
purporting to have been signed and certified by me, I have made a correct and complete
transcript thereof to the best of my skill and ability in pursuance of the said requirement.
And I make this declaration conscientiously believing the same to be true and I am aware
that if there is any statement in this declaration which is false in fact, which I know or
believe to be false or do not believe to be true, I am liable to fine and imprisonment.

Dated this day of 19 .

(Signed)

CAYMAN ISLANDS
CRIMINAL FORM 5

Rule 43(2)

IN THE COURT OF APPEAL

RECOGNIZANCE OF APPELLANT SENTENCED TO PAYMENT OF A FINE

Criminal Appeal No. of 19

THE QUEEN vs.

Be it remembered that WHEREAS
 of _____ was on the _____ Court
 day of _____, 19____, at the _____
 Here fill in holden at _____ convicted of
 the Court and was thereupon sentenced to pay the sum of \$
 of Trial. as a fine for his said offence and his intimated to the said Court that he
 desires to appeal against his said conviction on a question of law alone (or
 upon a certificate of the Judge of the said Court that his is a fit case for
 appeal). AND WHEREAS the said Court considers that the said Appellant
 may in lieu of payment at and upon his said conviction of the said sum, be
 ordered to enter into recognizance of bail himself in the sum of \$
 and with sureties, each in the sum of \$ _____ to prosecute his said
 appeal before the Court of Appeal.

The said _____ doth hereby acknow-
 ledge himself to owe to our Lady the Queen the said sum of \$
 of good and lawful money to be made and levied of his goods and chattels,
 lands and tenements to the use of our said Lady the Queen her heirs and
 successors if he the said _____ fail in the
 conditions endorsed.

Taken and acknowledged this _____ day of _____
 before me

(Signed) _____
 Clerk of the Grand Court

CONDITION

The Condition of the within written recognizance is such that if
 the said _____ of _____
 shall personally appear and be present at and before the Court of Appeal at each and
 every hearing of his appeal to such Court, and at the final determination thereof, and
 then and there prosecute his said appeal and abide by the judgment of the said Court,
 and not depart or be absent from such Court at any such hearing without leave of the
 said Court and to pay the said sum of \$ _____, or such sum as the said Court
 may order to the Registrar thereof, then this recognizance shall be void, otherwise of full
 force and effect.

CAYMAN ISLANDS
CRIMINAL FORM 6

RULE 43(2)

IN THE COURT OF APPEAL

RECOGNIZANCE OF SURETIES FOR APPELLANT
SENTENCED TO A FINE

Criminal Appeal No. of 19

THE QUEEN vs.

Be it remembered that on the _____ day of _____ 19____
 of _____ (occupation) and
 of _____ (occupation) personally
 came before the undersigned Clerk of the Grand Court and severally acknowledged
 themselves to owe to our Lady the Queen the several sums following, that is to say, the said
 and the said _____ the sum of
 \$ _____ of good and lawful money to be made and levied
 of their goods and chattels, lands and tenements, respectively, to the use of our said Lady
 the Queen her heirs and successors if _____
 now before the Court of Appeal fail in the
 condition hereon endorsed.

Taken and acknowledged on the day and year first above mentioned before me.

(Signed) _____
 Clerk of the Grand Court

CONDITION

The Condition of the within written recognizance is such that whereas the said
 _____ having been convicted of _____
 and having been sentenced to pay a fine of \$ _____ for his said
 offence, and having now intimated his desire to appeal on a question of law alone (or
 with the certificate of the Judge of this Court) to the Court of Appeal against the said
 conviction, and having, in lieu of payment at and upon his said conviction of the said
 sum of \$ _____, been ordered to enter into recognizance of bail himself
 in the sum of \$ _____ and with _____ sureties in the
 sum of \$ _____ if the said _____
 shall personally appear and be present at and before the Court of Appeal at each and
 ever bearing of his appeal to such Court and at the final determination thereof, and then
 and there prosecute his said appeal and abide by the judgement of the said Court, and
 not depart or be absent from such Court at any such hearing without the leave of the said
 Court, then this recognizance to be void, or else to stand in full force and effect.

(Signed) _____
 Surety

(Signed) _____
 Surety

CAYMAN ISLANDS
CRIMINAL FORM 7

RULE 43(3)

IN THE COURT OF APPEAL

NOTICE TO APPELLANT SENTENCED TO FINE, OF BREACH OF HIS
RECOGNIZANCES

CRIMINAL APPEAL NO. 19

THE QUEEN vs.

To the above-named
Appellant.

Whereas you were convicted on the day of
19, of the offence of
and were sentenced to the payment of \$
and in default of such payment to imprisonment, and you entered into recognizances in
the sum of \$, with sureties in
the sum of \$ each, to pros-
cute your appeal, and whereas 14 days have elapsed since your said conviction and no
notice of appeal has been served by you, Now I Hereby Give You Notice that unless you
attend at the sitting of the Court of Appeal to be holedn on the day of
19, and then show good cause to the contrary, the Court may
order an estreat of your recognizances and those of your sureties, or may otherwise deal
with you according to law.

(Signed)

.....
Registrar

CAYMAN ISLANDS
CRIMINAL FORM 8

RULE 43 (3)

IN THE COURT OF APPEAL

NOTICE TO SURETY FOR APPELLANT OF ESTREAT OF RECOGNIZANCES

Criminal Appeal No. 19

THE QUEEN vs.

* Fill in here To *
Surety's name
and address. of

WHEREAS you the above named, became duly bound in recognizances as
surety for that the said
having been convicted of
and for his said offence fined the sum of \$
should duly prosecute an appeal in relation to his said conviction before
the Court of Appeal, and whereas the said
has not so prosecuted his appeal, now I Hereby Give You Notice that at the
sitting of the Court of Appeal on
next your recognizances may be ordered to be estreated, unless you then
shew good cause to the contrary.

(Signed)

.....
Registrar

CAYMAN ISLANDS
CRIMINAL FORM 9

RULE 46 (4)

IN THE COURT OF APPEAL

RECOGNIZANCE ON BAIL OF APPELLANT CONVICTED IN THE GRAND COURT

Criminal Appeal No. 19

THE QUEEN vs.

BE IT REMEMBERED that WHEREAS

hereinafter called the Appellant
was on the day of 19,
thereupon sentenced to and was

(1) Insert
Name of
Prices.

and now is in lawful custody in (1)
AND WHEREAS the said Appellant has duly appealed against his
conviction (and sentence) to the Court of Appeal, and has applied to the
said Court for bail pending to the determination of his Appeal.

AND WHEREAS the said Court has granted the said Appellant bail
on entering into his own recognizances in the sum of \$
with sureties each in the sum of \$

Now the said Appellant personally cometh before me the
undersigned, and acknowledges himself to owe to our Lady the Queen
the said sum of \$ of good and lawful money to be made
and levied of his goods and chattels, land and tenements to the use of
our said Lady the Queen her heirs and successors, if he the said Appellant
fail in the condition hereinafter set out.

CONDITION

The condition of the above written recognizance is such that is he the said Appellant
shall personally appear and surrender himself at and before the Court of Appeal at each
and every hearing of his Appeal to such Court and at each and every adjournment thereof
and at the final determination thereof and there abide by the judgment of the said Court
and shall not depart or be absent from such Court at any such hearing or adjournment
without the leave of the said Court and in the meantime shall not depart from his usual
place of abode without the leave of such Court, then this recognizance shall be void or
else shall stand in full force and effect.

The Appel-
lant must
sign his name
and set down
the full postal
address of the
place where
he intends to
reside pending
his appeal

(Signed)
Appellant.

Address

Taken and acknowledged this day of
19, at before me.

(Signed)
Justice of the Peace

CAYMAN ISLANDS
CRIMINAL FORM 10

Rules 46 (4)

IN THE COURT OF APPEAL

RECOGNIZANCE OF APPELLANT'S SURETIES

Criminal Appeal No. of 19.

THE QUEEN vs.

Be it remembered that on the day of 19

(occupation) and of
(occupation) personally came before the undersigned and severally acknowledge them-
selves to owe to our Lady the Queen the several sums following, that is to say, the said
the sum of \$ and the said
the sum of \$ of good and lawful money, to
be made and levied of their goods and chattels land and tenements respectively, to the
use of our said Lady the Queen, Her heirs and successors if
now in
lawful custody in Her Majesty's Prison at
fail in the condition hereon endorsed.

Taken and acknowledged before me the undersigned on the day and year first above-
mentioned.

(Signed)

Justice of the Peace

CONDITION

The Condition of the within written recognizance is such that whereas the said
..... having been convicted
of and now in such lawful custody as
before mentioned (under a sentence of for such offence),
has duly appealed to the Court of Appeal against his said conviction (and sentence) and
having applied to such Court for bail, pending the determination of his said appeal, has
been granted bail on his entering into recognizances in the sum of \$ if the
said
shall personally appear and surrender himself at and before the Court of Appeal at each
and every hearing of his said appeal to such Court and at the final determination thereof,
and then and there to abide by the judgment of the said Court, and not depart or be
absent from such Court at any such hearing without the leave of the said Court and in
the meantime not depart from his usual place of abode without leave of such Court, then
this recognizance to be void, or else to stand in full force and effect.

(Signed)
Surety

(Signed)
Surety

CAYMAN ISLANDS
CRIMINAL FORM 11

Rule 46 (5)

IN THE COURT OF APPEAL

NOTICE TO OFFICER IN CHARGE OF PRISON TO RELEASE APPELLANT ON BAIL

Criminal Appeal No. of 19....

THE QUEEN vs.

To the Director of Prisons/Superintendent

WHEREAS was convicted of
on the 19 (and was there-
day of) and now is in
upon sentenced to
lawful custody in

AND WHEREAS has duly appealed
to the Court of Appeal to the Court of Appeal against his conviction (and sentence) and having duly applied to
the said Court has been granted bail by the said Court pending the determination of
his said appeal on entering into recognizances himself in the sum of \$
(and with), in the forms provided under
these rules. And WHEREAS I, the Registrar of the said Court, have been given to
understand that the said is now in your lawful custody in the said prison under the said conviction and sentence.
And Whereas I hve received a recognizance of the said
(and recognizances from),
sureities for the said and the said recognizances are in due form and in compliance with the order of the said
Court of Appeal, admitting the said to bail.

Now I DO GIVE YOU NOTICE that is the said
do remain in your custody under the said conviction (and sentence) and for no other
cause you shall on receipt of this notice suffer him to go at large. And this notice shall
be your authority in that behalf.

Dated the day of, 19

.....
Registrar

CAYMAN ISLANDS
CRIMINAL FORM 12

RULES 46 (6) and (8)

IN THE COURT OF APPEAL

WARRANT FOR ARREST OF APPELLANT ON BAIL

Criminal Appeal No. of 19....

THE QUEEN vs.

To the Constables of the Royal Cayman Islands Police Force and to the Director of
Prisons/Superintendent of

WHEREAS
an Appellant in the Court of Appeal has been released by the said Court on bail, and it
has now been ordered by the said Court that a Warrant issued for the apprehension of
the said

These are therefore to command you the said Constables forthwith to apprehend the said
and to bring him to the Director of Prisons/Superintendent of the said Prison and there
deliver him wiht this warrant into the custody of the said Director/Superintendent and
you the said Director/Superintendent are hereby required to receive the said
into your custody in the said prison and there safely to keep him until further order of
the said Court.

(Signed)

President/Judge of Appeal.

Dated this day of, 19

CAYMAN ISLANDS
CRIMINAL FORM 13

RULE 47 (1)

IN THE COURT OF APPEAL

NOTICE OF ABANDONMENT

Criminal Appeal No. of 19....

THE QUEEN vs.

TO THE REGISTRAR OF THE COURT OF APPEAL

I, having
been convicted of in
the Court at
and having been desirous of appealing to the Court against my said
conviction (or the sentence of
passed upon me on my said conviction) do hereby give you notice that I
do not intend further to prosecute my appeal, but that I hereby abandon
all further proceedings in regard thereto as from the date hereof.

For signature
see rule 34

(Signed)
(or mark)

Signature and address of
witness attesting mark.

Dated this day of 19

CAYMAN ISLANDS
CRIMINAL FORM 14

RULE 47 (2)

IN THE COURT OF APPEAL

NOTIFICATION OF ABANDONMENT OF APPEAL

Criminal Appeal No. of 19

THE QUEEN vs.

* To The ATTORNEY GENERAL

This is to give you notice that I have this day received from the above named
a notice of abandonment of all proceedings in regard to his appeal to the Court. The said
notice is dated the
day of 19

By Rule 47 (1) of the Court of Appeal Rules, 1985, upon the notice of abandonment being
given the appeal shall be deemed to have been dismissed by the Court.

Dated this day of 19

.....
Registrar

* Send copies addressed to:-

- (a) His Excellency the Governor, only if the conviction involved a sentence of death.
- (b) Any respondent other than the Attorney General.
- (c) The Director of Prisons and
- (d) The Clerk of the Grand Court.

IN THE COURT OF APPEAL

NOTIFICATION TO APPELLANT OF RESULT OF APPLICATION

Criminal Appeal No. _____ of 19 _____

THE QUEEN vs.

To the above-named Applicant.

This is to you notice that the Court has considered the matter of your application for —

- (a) leave to appeal to the said Court;
- (b) leave to extend the time within which you may give notice of appeal or of application for leave to appeal;
- (c) permission to be present during the proceedings in your appeal;
- (d) admission to bail;
- (e)

Insert here
nature of any
other
application that
may have been
made.

and has finally determined the same and has this day given judgement to the effect following:

.....
Registrar

Dated this day of 19

IN THE COURT OF APPEAL

NOTICE TO AUTHORITIES OF RESULT OF APPLICATION

Criminal Appeal No. _____ of 19 _____

THE QUEEN vs.

* To THE Attorney General

This is to give you notice that the above-mentioned having applied for

- (a) leave to appal to the said Court;
- (b) leave to extend the time within which he may give notice of appeal or of application for leave to appeal;
- (c) permission to be present during the proceedings in his appeal;
- (d) admission of bail;
- (e)

Insert here
nature of
any other
applications
that may have
been made.

the Court has this day finally determined his said applications and has given judgment to the effect following:

Here set out
the decision
of the Court.

* Send copies addressed to:-

- (a) His Excellency the Governor, only if sentence of death has been passed.
- (b) Any respondent other than the Attorney General
- (c) The Director of Prisons and
- (d) The Clerk of the Grand Court.

CAYMAN ISLANDS
CRIMINAL FORM 17

RULES 50 (1)

IN THE COURT OF APPEAL
ON APPEAL FROM THE GRAND COURT

NOTIFICATION TO APPELLANT OF RESULT OF HIS APPEAL

CASE NO OF 19

Criminal Appeal No. of 19

THE QUEEN vs.

To the above-named Appellant.

c/o his Counsel, or
c/o the Director of Prisons

This is to give you notice that the Court, having considered the matter of your appeal,
has finally determined the same and has this day given judgment to the effect following:-

Here set out
the decision of
the Court.

Registrar
Court of Appeal

Dated this day of 19

CAYMAN ISLANDS
CRIMINAL FORM 18

RULES 50 (1) and 51 (1)

IN THE COURT OF APPEAL
ON APPEAL FROM THE GRAND COURT

NOTIFICATION TO AUTHORITIES OF RESULT OF APPEAL

CASE NO OF 19

Criminal Appeal No. OF 19

THE QUEEN vs.

TO the Attorney General

This is to give you notice that the above named having appealed against his/her
conviction/order for the offence(s) of and/or the sentence(s) of
passed upon him/her by the Grand/Magistrates* Court for the offence of
on the day of 19 set out below:-

the Court of Appeal has finally determined the said appeal, and has this day given
judgment therein to the effect following.

Here set out
the decision of
the Court.

Registrar

Dated this day of 19

Send copies addressed to:-

- (a) His Excellency the Governor, only if the sentence of death is involved.
- (b) Any respondent other than the Attorney General.
- (c) Director of Prisons.
- (d) The Clerk of the Grand Court.
- (e) Commissioner of Police.

* delete if not appropriate.

CAYMAN ISLANDS
CRIMINAL FORM 19

Rule 54(1)

IN THE COURT OF APPEAL

ORDER TO WITNESS TO ATTEND COURT FOR EXAMINATION

Criminal Appeal No. of 19

THE QUEEN vs.

To
of

WHEREAS on good cause shown to the Court of Appeal you have been ordered to attend and be examined as a witness before such Court upon the appeal of the above-named Appellant.

This is to Give You Notice to attend before the said Court on the day of , 19 at the Court of Appeal, Courts Building, George Town o'clock in the noon.

You are also required to have with you at the said time and place any books, papers or other things relating to the said appeal which you may have had notice so to produce.

Dated the day of , 19

CAYMAN ISLANDS
CRIMINAL FORM 20

RULES 54 (2)

IN THE COURT OF APPEAL

APPELLANT'S APPLICAITON FOR FURTHER WITNESS

Criminal Appeal No. of 19

THE QUEEN vs.

I, having appealed to the Court, hereby request you to take notice that I desire that the said Court shall order hte witnesses hereinafter specified to attend the Court and be examined on my behalf.

(Signed)
(or mark) Appellant.

.....
Signature and address of
witness attesting mark.

Dated this day of 19

You are required to fill up the follwing and sign the same -

1. Name and address of witness.
2. Whether such witnesses were examined at your trial.
3. If not, state the reason why there were not so examined.
4. On what matters do you wish them to be examined on the appeal.

Dated this 12th day of August, 1986.
E. ZACCA
President of the Court of Appeal.

J.S. KERR
Judge of the Court of Appeal.

K.C. HENRY
Judge of the Court of Appeal.

(Price \$ 10.40)