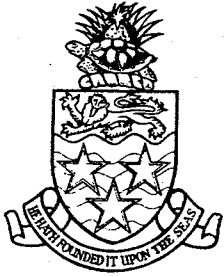
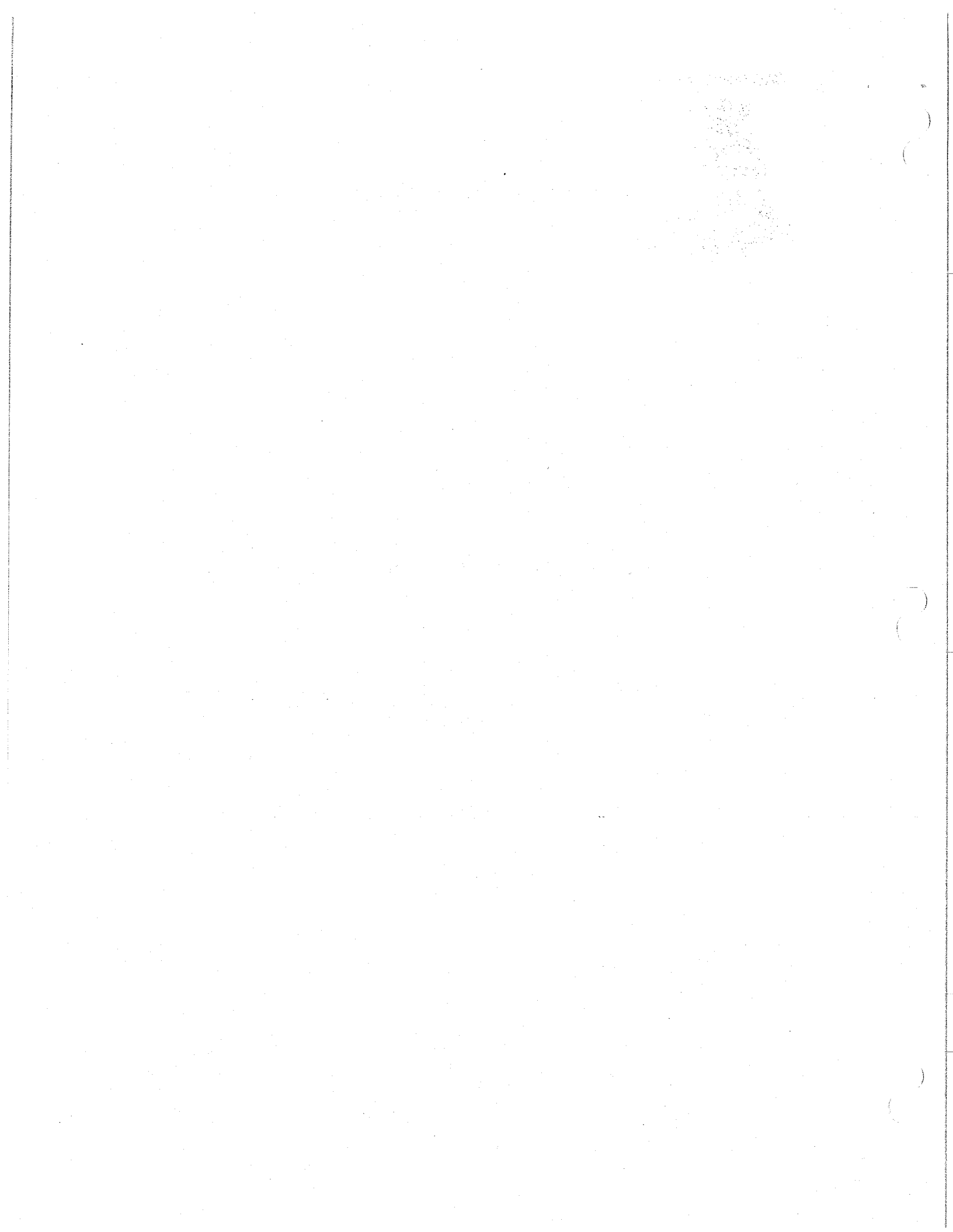


CAYMAN ISLANDS



Supplement No. 1 Published with Gazette No. 21 of 1995.

**THE GRAND COURT (AMENDMENT) RULES 1995**



**THE GRAND COURT LAW (1995 REVISION)**

**THE GRAND COURT (AMENDMENT) RULES 1995**

These Rules are made by the Rules Committee pursuant to Section 19(3)(d) of the Grand Court Law (1995 Revision).

**1. Citation, commencement and interpretation**

(1) These Rules shall be cited as the Grand Court (Amendment) Rules 1995.

(2) (a) These Rules shall come into operation on the 16th day of October, 1995, referred to in this rules as the "Commencement Date".

(b) These Rules shall apply to every proceeding which is pending or commenced in the Court on or after the Commencement Date.

(3) Words and expressions in these Rules which are also used in the Grand Court Rules 1995 shall have the same meaning in these Rules as in the Grand Court Rules 1995.

**2. Revocation and Replacement of Orders 1, 15 and 102**

GCR Orders 1, 15 and 102 are hereby revoked and replaced by the orders contained in Schedule 1 hereto.

**3. Revocation and Replacement of Forms 9, 11 and 33**

GCR Forms 9, 11 and 33 are hereby revoked and replaced by the forms contained in Schedule 2 hereto.

MADE by the Rules Committee on the 13th day of September, 1995.

The Hon. George Harre,  
Chief Justice

The Hon. Richard Coles  
Attorney General

Andrew J. Jones, Esq.  
Legal Practitioner

Alden M. McLaughlin, Esq.  
Legal Practitioner

## **Explanatory Note**

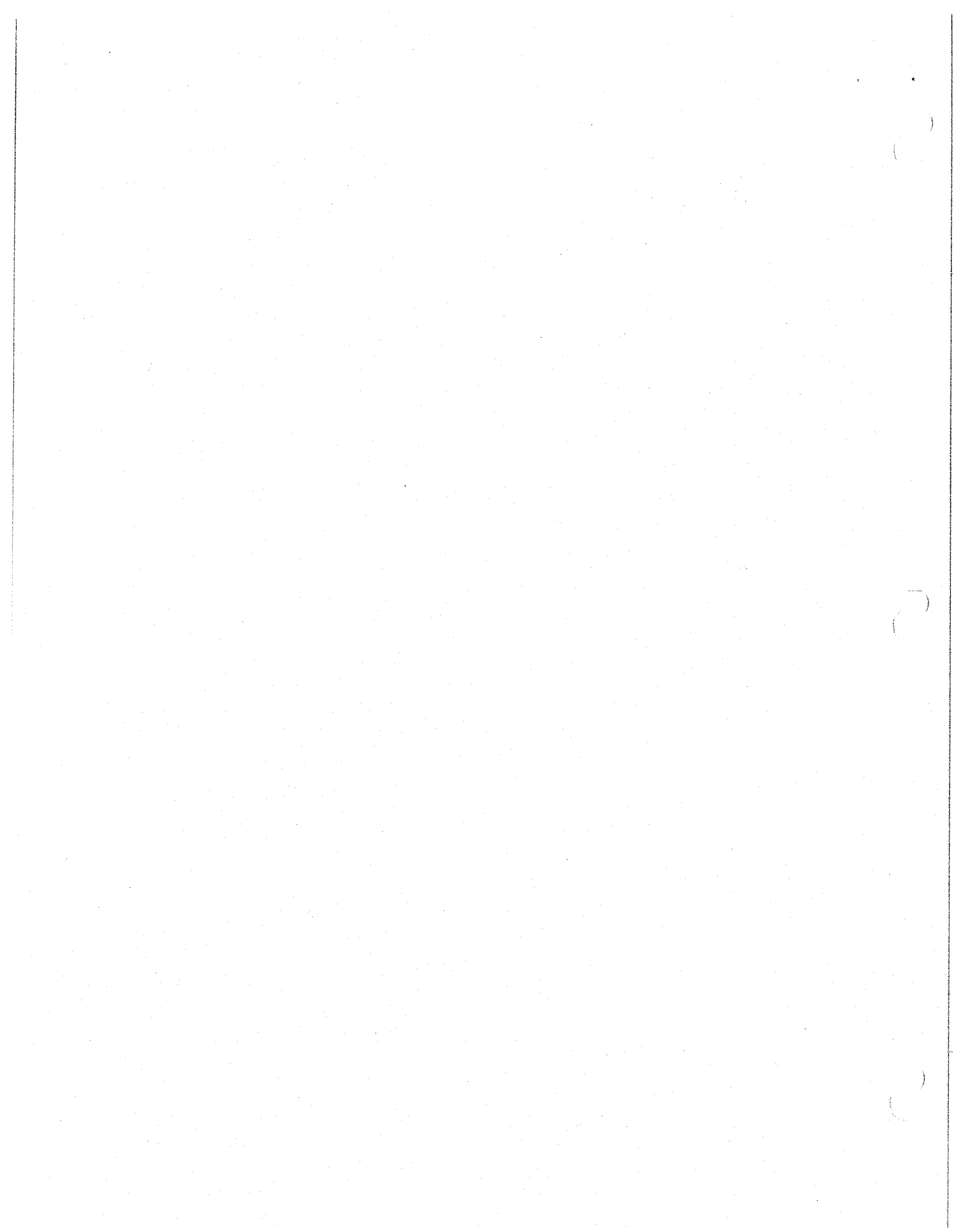
1. Order 1, rule 7 (Definitions) is amended to include definitions of the expressions "action" and "proceedings".
2. Order 15, rule 13A (Notice of Proceedings to Non Parties) is amended to make clear that a notice to non parties may be served in any proceeding. Consequential amendments are made to GCR Form No. 11.
3. Order 102, rule 6 (Summons for Directions) is amended so as to avoid the need to issue a summons for directions in connection with certain petitions. No summons need be taken out in connection with petitions for orders to sanction compromises or arrangements under Section 85(2) of the Companies Law (1995 Revision). The combined effect of the amendment to rule 4(d) and introduction of rule 6A is that a summons for directions should only be taken out simultaneously with the issue of a winding up petition in the case of contributories petitions which seek an order on just and equitable grounds.
4. GCR Form 9 (Acknowledgment of Service of Originating Summons) has been amended to make clear that a party wishing to participate on an originating summons without necessarily contesting the plaintiff's right to the relief sought must still file and serve an acknowledgment of service indicating his intention to so participate.
5. GCR Form 33 is amended to reflect that GCR Order 50, rule 1(2) requires that an application for a charging order must be made by an ex parte originating motion (not an originating summons) which will be heard in open court.
6. Subscribers to the Gazette should remove page numbers 1 to 36 (Index), 37 to 42 (Order 1), 83 to 94 (Order 15) and 403 to 409 (Order 102); and Form Nos. 9, 11 and 33 from their ring binders and substitute the pages contained in the schedules to these Rules.

## **SCHEDULE 1**

### Index

Table of Contents

Order 1	Citation, Application, Commencement, Interpretation and Forms
Order 15	Causes of Action, Counterclaims and Parties
Order 102	Applications Pursuant to the Companies Law (1995 Revision)



**THE GRAND COURT LAW (1995 REVISION)**

**THE GRAND COURT RULES, 1995**

**TABLE OF CONTENTS**

**ORDER 1**

**CITATION, APPLICATION, COMMENCEMENT, INTERPRETATION AND FORMS**

Citation (O.1, r.1) . . . . .	37
Application (O.1, r.2) . . . . .	37
Commencement and transitional provisions (O.1, r.3) . . . . .	38
Revocations (O.1, r.4) . . . . .	39
Non application of English rules (O.1, r.5) . . . . .	39
Application of Interpretation Law (1995 Revision) (O.1, r.6) . . . . .	40
Definitions (O.1, r.7) . . . . .	40
Construction of references to orders, rules, etc. (O.1, r.8) . . . . .	42
Construction of references to action, etc. for possession of land (O.1, r.9) . . . . .	42
Prescribed forms (O.1, r.10) . . . . .	42
Use of English Practice Forms as precedents (O.1, r.11) . . . . .	42
Practice directions (O.1, r.12) . . . . .	42

**ORDER 2**

**EFFECT OF NON-COMPLIANCE**

Non-compliance with rules (O.2, r.1) . . . . .	44
Application to set aside for irregularity (O.2, r.2) . . . . .	44

**ORDER 3**

**TIME**

"Month" means calendar month (O.3, r.1) . . . . .	45
Reckoning periods of time (O.3, r.2) . . . . .	45
No rule (O.3, r.3) . . . . .	45

Time expires on Saturday, Sunday, etc. (O.3, r.4) . . . . . 45  
 Extension, etc. of time (O.3, r.5) . . . . . 45  
 Notice of intention to proceed after six months' delay (O.3, r.6) . . . . . 46

**ORDER 4**

**ASSIGNMENT AND CONSOLIDATION OF CAUSES OR MATTERS**

Reservation of a cause or matter to a particular Judge (O.4, r.1) . . . . . 47  
 Exercise of one Judge's jurisdiction by another (O.4, r.2) . . . . . 47  
 Consolidation, etc. of causes or matters (O.4, r.3) . . . . . 47

**ORDER 5**

**MODE OF BEGINNING CIVIL PROCEEDINGS**

Mode of beginning civil proceedings (O.5, r.1) . . . . . 48  
 Proceedings which must be begun by writ (O.5, r.2) . . . . . 48  
 Proceedings which must be begun by originating summons (O.5, r.3) . . . . . 49  
 Proceedings which may be begun by writ or originating summons (O.5, r.4) . . . . . 49  
 Proceedings to be begun by motion or petition (O.5, r.5) . . . . . 49  
 Right to sue in person (O.5, r.6) . . . . . 50

**ORDER 6**

**WRITS OF SUMMONS: GENERAL PROVISIONS**

Form of writ (O.6, r.1) . . . . . 51  
 Indorsement of claim (O.6, r.2) . . . . . 51  
 Indorsement as to capacity (O.6, r.3) . . . . . 52  
 Indorsement as to insurers of motor vehicles (O.6, r.4) . . . . . 52  
 Indorsement as to attorney and address (O.6, r.5) . . . . . 52  
 Office copies of writs (O.6, r.6) . . . . . 53  
 No rules (O.6, rr.7-7A) . . . . . 53  
 Duration and renewal of writ (O.6, r.8) . . . . . 53



**ORDER 7****ORIGINATING SUMMONSES: GENERAL PROVISIONS**

Application (O.7, r.1) . . . . .	55
Form of summons, etc. (O.7, r.2) . . . . .	55
Contents of summons (O.7, r.3) . . . . .	55
Office copy of summons (O.7, r.4) . . . . .	55
No rule (O.7, r.5) . . . . .	55
Duration and renewal of summons (O.7, r.6) . . . . .	55

**ORDER 8****ORIGINATING AND OTHER MOTIONS: GENERAL PROVISIONS**

Application (O.8, r.1) . . . . .	56
Notice of motion (O.8, r.2) . . . . .	56
Form and issue of notice of motion (O.8, r.3) . . . . .	56
Service of notice of motion with writ, etc. (O.8, r.4) . . . . .	56
Adjournment of hearing (O.8, r.5) . . . . .	56

**ORDER 9****PETITIONS: GENERAL PROVISIONS**

Application (O.9, r.1) . . . . .	57
Contents of petition (O.9, r.2) . . . . .	57
No rule (O.9, r.3) . . . . .	57
Fixing time for hearing petition (O.9, r.4) . . . . .	57
Certain applications not to be made by petition (O.9, r.5) . . . . .	57

**ORDER 10****SERVICE OF ORIGINATING PROCESS: GENERAL PROVISIONS**

General provisions (O.10, r.1) . . . . .	58
Service of writ on agent of overseas principal (O.10, r.2) . . . . .	58
Service of writ in pursuance of contract (O.10, r.3) . . . . .	59
Service of writ in certain actions for possession of land (O.10, r.4) . . . . .	59
Service of originating summons, notice of motion or petition (O.10, r.5) . . . . .	60

**ORDER 11****SERVICE OF PROCESS, ETC. OUT OF THE JURISDICTION**

Principal cases in which service of writ out of jurisdiction is permissible (O.11, r.1) . . . . .	61
No rules (O.11, rr.2-3) . . . . .	63
Application for, and grant of, leave to serve writ out of jurisdiction (O.11, r.4) . . . . .	63
Service of writ abroad; general (O.11, r.5) . . . . .	64
Service of writ abroad through foreign governments, judicial authorities and British consuls (O.11, r.6) . . . . .	65
Service of process on a foreign state (O.11, r.7) . . . . .	66
Undertaking to pay expenses of Governor (O.11, r.8) . . . . .	67
Service of originating summons, petition, notice of motion, etc. (O.11, r.9) . . . . .	67

**ORDER 12****ACKNOWLEDGMENT OF SERVICE TO WRIT OR ORIGINATING SUMMONS**

Mode of acknowledging service (O.12, r.1) . . . . .	68
No rule (O.12, r.2) . . . . .	68
Acknowledgment of service (O.12, r.3) . . . . .	68
Procedure on receipt of acknowledgment of service (O.12, r.4) . . . . .	69
Time limited for acknowledging service (O.12, r.5) . . . . .	69
Late acknowledgment of service (O.12, r.6) . . . . .	69
Acknowledgment not to constitute waiver (O.12, r.7) . . . . .	70
Dispute as to jurisdiction (O.12, r.8) . . . . .	70
Application by defendant where writ not served (O.12, r.8A) . . . . .	71
Acknowledgment of service of originating summons (O.12, r.9) . . . . .	71
Acknowledgment of service to be treated as entry of appearance (O.12, r.10) . . . . .	72

**ORDER 13****FAILURE TO GIVE NOTICE OF INTENTION TO DEFEND**

Claim for liquidated demand (O.13, r.1) . . . . .	73
Claim for unliquidated damages (O.13, r.2) . . . . .	73
Claim in detinue (O.13, r.3) . . . . .	73
Claim for possession of land (O.13, r.4) . . . . .	74
Mixed claims (O.13, r.5) . . . . .	74
Other claims (O.13, r.6) . . . . .	74
Prescribed time (O.13, r.6A) . . . . .	74

Proof of service of writ (O.13, r.7) . . . . . 75  
 Judgment against a State (O.13, r.7A) . . . . . 75  
 No rule (O.13, r.7B) . . . . . 76  
 Stay of execution on default judgment (O.13, r.8) . . . . . 76  
 Setting aside judgment (O.13, r.9) . . . . . 76

**ORDER 14**

**SUMMARY JUDGMENT**

**I. APPLICATION BY PLAINTIFF**

Application by plaintiff for summary judgment (O.14, r.1) . . . . . 77  
 Manner in which application under rule 1 must be made (O.14, r.2) . . . . . 77  
 Judgment for plaintiff (O.14, r.3) . . . . . 77  
 Leave to defend (O.14, r.4) . . . . . 78  
 Application for summary judgment on counterclaim (O.14, r.5) . . . . . 78  
 Directions (O.14, r.6) . . . . . 79  
 Costs (O.14, r.7) . . . . . 79  
 Right to proceed with residue of action or counterclaim (O.14, r.8) . . . . . 79  
 Judgment for delivery up of chattel (O.14, r.9) . . . . . 80  
 Relief against forfeiture (O.14, r.10) . . . . . 80  
 Setting aside judgment (O.14, r.11) . . . . . 80

**II. APPLICATION BY DEFENDANT**

Application by defendant for summary judgment (O.14, r.12) . . . . . 80  
 Manner in which application under rule 12 must be made (O.14, r.13) . . . . . 80  
 Judgment for defendant (O.14, r.14) . . . . . 81

**ORDER 14A**

**DISPOSAL OF CASE ON POINT OF LAW**

Determination of questions of law or construction (O.14A, r.1) . . . . . 82  
 Manner in which application under rule 1 may be made (O.14A, r.2) . . . . . 82

**ORDER 15****CAUSES OF ACTION, COUNTERCLAIMS AND PARTIES**

Joinder of causes of action (O.15, r.1) . . . . .	83
Counterclaim against plaintiff (O.15, r.2) . . . . .	83
Counterclaim against additional parties (O.15, r.3) . . . . .	83
Joinder of parties (O.15, r.4) . . . . .	84
Court may order separate trials, etc. (O.15, r.5) . . . . .	85
Misjoinder and nonjoinder of parties (O.15, r.6) . . . . .	85
Proceedings against estates (O.15, r.6A) . . . . .	87
Change of parties by reason of death, etc. (O.15, r.7) . . . . .	88
Provisions consequential on making of order under rule 6 or 7 (O.15, r.8) . . . . .	88
Failure to proceed after death of party (O.15, r.9) . . . . .	89
Actions for possession of land (O.15, r.10) . . . . .	90
Actions in detinue, conversion or for trespass to goods (O.15, r.10A) . . . . .	90
Relator actions (O.15, r.11) . . . . .	91
Representative proceedings (O.15, r.12) . . . . .	91
Representation of interested persons who cannot be ascertained, etc. (O.15, r.13) . . . . .	92
Notice of proceedings to non-parties (O.15, r.13A) . . . . .	93
Representation of beneficiaries by trustees, etc. (O.15, r.14) . . . . .	93
Representation of deceased person interested in proceedings (O.15, r.15) . . . . .	94
Declaratory judgment (O.15, r.16) . . . . .	94
Conduct of proceedings (O.15, r.17) . . . . .	94

**ORDER 16****THIRD PARTY AND SIMILAR PROCEEDINGS**

Third party notice (O.16, r.1) . . . . .	95
Application for leave to issue third party notice (O.16, r.2) . . . . .	95
Issue, service and acknowledgment of service, of third party notice (O.16, r.3) . . . . .	96
Third party directions (O.16, r.4) . . . . .	96
Default of third party, etc. (O.16, r.5) . . . . .	97
Setting aside third party proceedings (O.16, r.6) . . . . .	98
Judgment between defendant and third party (O.16, r.7) . . . . .	98
Claims and issues between a defendant and some other party (O.16, r.8) . . . . .	98
Claims by third and subsequent parties (O.16, r.9) . . . . .	99
Offer of contribution (O.16, r.10) . . . . .	99
Counterclaim by defendant (O.16, r.11) . . . . .	100

**ORDER 17****INTERPLEADER**

Entitlement to relief by way of interpleader (O.17, r.1) . . . . .	101
Claim to goods, etc., taken in execution (O.17, r.2) . . . . .	101
Mode of application (O.17, r.3) . . . . .	102
No rule (O.17, r.4) . . . . .	102
Powers of Court hearing summons (O.17, r.5) . . . . .	103
Power to order sale of goods taken in execution (O.17, r.6) . . . . .	103
Power to stay proceedings (O.17, r.7) . . . . .	103
Other powers (O.17, r.8) . . . . .	104
One order in several causes or matters (O.17, r.9) . . . . .	104
Discovery (O.17, r.10) . . . . .	104
Trial of interpleader issue (O.17, r.11) . . . . .	104
Appeal from judgment etc. of Judge in interpleader proceedings (O.17, r.12) . . . . .	104

**ORDER 18****PLEADINGS**

Service of statement of claim (O.18, r.1) . . . . .	105
Service of defence (O.18, r.2) . . . . .	105
Service of reply and defence to counterclaim (O.18, r.3) . . . . .	105
Pleadings subsequent to reply (O.18, r.4) . . . . .	106
No rule (O.18, r.5) . . . . .	106
Pleadings: formal requirements (O.18, r.6) . . . . .	106
Facts, not evidence, to be pleaded (O.18, r.7) . . . . .	106
Conviction, etc. to be adduced in evidence: matters to be pleaded (O.18, r.7A) . . . . .	107
Matters which must be specifically pleaded (O.18, r.8) . . . . .	108
Matter may be pleaded whenever arising (O.18, r.9) . . . . .	108
Departure (O. 18, r.10) . . . . .	108
Points of law may be pleaded (O.18, r.11) . . . . .	109
Particulars of pleading (O.18, r.12) . . . . .	109
Admissions and denials (O.18, r.13) . . . . .	110
Denial by joinder of issue (O.18, r.14) . . . . .	110
Statement of Claim (O.18, r.15) . . . . .	110
Defence of tender (O.18, r.16) . . . . .	111
Defence of set-off (O.18, r.17) . . . . .	111
Counterclaim and defence to counterclaim (O. 18, r.18) . . . . .	111
Striking out pleadings and indorsements (O.18, r.19) . . . . .	111
Close of pleadings (O.18, r.20) . . . . .	112
Trial without pleadings (O.18, r.21) . . . . .	112

**ORDER 19****DEFAULT OF PLEADINGS**

Default of service of statement of claim (O.19, r.1) . . . . .	113
Default of defence: claim for liquidated demand (O.19, r.2) . . . . .	113
Default of defence: claim for unliquidated damages (O.19, r.3) . . . . .	113
Default of defence: claim in detinue (O.19, r.4) . . . . .	113
Default of defence: claim for possession of land (O.19, r.5) . . . . .	114
Default of defence: mixed claims (O.19, r.6) . . . . .	114
Default of defence: other claims (O.19, r.7) . . . . .	114
Default of defence to counterclaim (O.19, r.8) . . . . .	115
Setting aside judgment (O.19, r.9) . . . . .	115

**ORDER 20****AMENDMENT**

Amendment of writ without leave (O.20, r.1) . . . . .	116
Amendment of acknowledgment of service (O.20, r.2) . . . . .	116
Amendment of pleadings without leave (O.20, r.3) . . . . .	117
Application for disallowance of amendment made without leave (O.20, r.4) . . . . .	118
Amendment of writ or pleading with leave (O.20, r.5) . . . . .	118
No rule (O.20, r.6) . . . . .	118
Amendment of other originating process (O.20, r.7) . . . . .	118
Amendment of certain other documents (O.20, r.8) . . . . .	119
Failure to amend after order (O.20, r.9) . . . . .	119
Mode of amendment of writ, etc. (O.20, r.10) . . . . .	119
Amendment of judgment and orders (O.20, r.11) . . . . .	119
Amendment of pleadings by agreement (O.20, r.12) . . . . .	119
Manner in which amendments should be shown (O.20, r.13) . . . . .	120

**ORDER 21****WITHDRAWAL AND DISCONTINUANCE**

Withdrawal of acknowledgment of service (O.21, r.1) . . . . .	121
Discontinuance of action, etc., without leave (O.21, r.2) . . . . .	121
Discontinuance of action, etc., with leave (O.21, r.3) . . . . .	122
Effect of discontinuance (O.21, r.4) . . . . .	122
Stay of subsequent action until costs paid (O.21, r.5) . . . . .	122
Withdrawal of summons (O.21, r.6) . . . . .	123

**ORDER 22****PAYMENT INTO AND OUT OF COURT**

Payment into Court (O.22, r.1) . . . . .	124
Payment in by defendant who has counterclaimed (O.22, r.2) . . . . .	125
Acceptance of money paid into Court (O.22, r.3) . . . . .	125
Order for payment out of money accepted required in certain cases (O.22, r.4) . . . . .	126
Money remaining in Court (O.22, r.5) . . . . .	127
Counterclaim (O. 22, r.6) . . . . .	127
Non-disclosure of payment into Court (O.22, r.7) . . . . .	127
Money paid into Court under order (O.22, r.8) . . . . .	127
No rules (O.22, rr.9-12) . . . . .	128
Investment of money in Court (O.22, r.13) . . . . .	128
Written offers "without prejudice save as to costs" (O.22, r.14) . . . . .	128

**ORDER 23****SECURITY FOR COSTS**

Security for costs of action, etc. (O.23, r.1) . . . . .	129
Manner of giving security (O.23, r.2) . . . . .	129
Saving for enactments (O.23, r.3) . . . . .	130

**ORDER 24****DISCOVERY AND INSPECTION OF DOCUMENTS**

Mutual discovery of documents (O.24, r.1) . . . . .	131
Discovery by parties without order (O.24, r.2) . . . . .	131
Order for discovery (O.24, r.3) . . . . .	132
Orders for determination of issue, etc., before discovery (O.24, r.4) . . . . .	132
Form of list and affidavit (O.24, r.5) . . . . .	133
Defendant entitled to copy of co-defendant's list (O.24, r.6) . . . . .	133
Order for discovery of particular documents (O.24, r.7) . . . . .	134
No rule (O.24, r.7A) . . . . .	134
Discovery to be ordered only if necessary (O.24, r.8) . . . . .	134
Inspection of documents referred to in list (O.24, r.9) . . . . .	134
Inspection of documents referred to in pleadings and affidavits (O.24, r.10) . . . . .	134
Order for production for inspection (O.24, r.11) . . . . .	135
Provision of copies of documents (O.24, r.11A) . . . . .	135

Order for production to Court (O.24, r.12) . . . . . 136  
 Production to be ordered only if necessary, etc. (O.24, r.13) . . . . . 136  
 Production of business books (O.24, r.14) . . . . . 136  
 Use of documents (O.24, r.14A) . . . . . 136  
 Document disclosure of which would be injurious to public interest: saving (O.24, r.15) . . . . . 136  
 Failure to comply with requirement for discovery, etc. (O.24, r.16) . . . . . 137  
 Revocation and variation of orders (O.24, r.17) . . . . . 137

**ORDER 25**

**SUMMONS FOR DIRECTIONS**

Summons for directions (O.25, r.1) . . . . . 138  
 Duty to consider all matters (O.25, r.2) . . . . . 139  
 Particular matters for consideration (O.25, r.3) . . . . . 140  
 Admissions and agreements to be made (O.25, r.4) . . . . . 140  
 Limitation of right of appeal (O.25, r.5) . . . . . 140  
 Duty to give all information at hearing (O.25, r.6) . . . . . 140  
 Duty to make all interlocutory applications on summons for directions (O.25, r.7) . . . . . 141  
 Automatic directions in personal injury actions (O.25, r.8) . . . . . 142

**ORDER 26**

**INTERROGATORIES**

Discovery by interrogatories (O.26, r.1) . . . . . 144  
 Form and nature of interrogatories (O.26, r.2) . . . . . 144  
 Interrogatories without order (O.26, r.3) . . . . . 145  
 Ordered interrogatories (O.26, r.4) . . . . . 145  
 Objections and insufficient answers (O.26, r.5) . . . . . 145  
 Failure to comply with order (O.26, r.6) . . . . . 146  
 Use of answers to interrogatories at trial (O.26, r.7) . . . . . 146  
 Revocation and variation of orders (O.26, r.8) . . . . . 147

**ORDER 27**

**ADMISSIONS**

Admission of case of other party (O.27, r.1) . . . . . 148  
 Notice to admit (O.27, r.2) . . . . . 148



Judgment on admissions (O.27, r.3) . . . . . 148  
 Admission and production of documents specified in list of documents (O.27, r.4) . . . . 148  
 Notices to admit or produce documents (O.27, r.5) . . . . . 149

**ORDER 28**

**ORIGINATING SUMMONS PROCEDURE**

Application (O.28, r.1) . . . . . 150  
 Affidavit evidence (O.28, r.1A) . . . . . 150  
 Fixing time for attendance of parties before Court (O.28, r.2) . . . . . 151  
 Notice of hearing (O.28, r.3) . . . . . 151  
 Directions, etc., by Court (O.28, r.4) . . . . . 152  
 Adjournment of summons (O.28, r.5) . . . . . 152  
 Applications affecting party who has not acknowledged service (O.28, r.6) . . . . . 153  
 Counterclaim by defendant (O.28, r.7) . . . . . 153  
 Continuation of proceedings as if cause or matter begun by writ (O.28, r.8) . . . . . 153  
 Order for hearing or trial (O.28, r.9) . . . . . 154  
 Failure to prosecute proceedings with despatch (O.28, r.10) . . . . . 154  
 No rule (O.28, r.11) . . . . . 154

**ORDER 29**

**INTERLOCUTORY INJUNCTIONS, INTERIM  
 PRESERVATION OF PROPERTY,  
 INTERIM PAYMENTS, ETC.**

**I. INTERLOCUTORY INJUNCTIONS, INTERIM  
 PRESERVATION OF PROPERTY, ETC.**

Application for injunction (O.29, r.1) . . . . . 155  
 No rule (O.29, 1A) . . . . . 155  
 Detention, preservation, etc., of subject matter of cause or matter (O.29, r.2) . . . . . 155  
 No rule (O.29, 2A) . . . . . 156  
 Power to order samples to be taken, etc. (O.29, r.3) . . . . . 156  
 Sale of perishable property, etc. (O.29, r.4) . . . . . 156  
 Order for early trial (O.29, r.5) . . . . . 156  
 Recovery of personal property subject to lien, etc. (O.29, r.6) . . . . . 157  
 Directions (O.29, r.7) . . . . . 157  
 No rule (O.29, r.7A) . . . . . 157  
 Allowance of income of property pending suit (O.29, r.8) . . . . . 157

## II. INTERIM PAYMENTS

Interpretation of Part II (O.29, r.9) . . . . .	157
Application for interim payment (O.29, r.10) . . . . .	158
Order for interim payment in respect of damages (O.29, r.11) . . . . .	158
Order for interim payment in respect of sums other than damages (O.29, r.12) . . . . .	159
Manner of payment (O.29, r.13) . . . . .	159
Directions on application under rule 10 (O.29, r.14) . . . . .	160
Non-disclosure of interim payment (O.29, r.15) . . . . .	160
Payment into Court in satisfaction (O.29, r.16) . . . . .	160
Adjustment on final judgment or order or on discontinuance (O.29, r.17) . . . . .	160
Counterclaims and other proceedings (O.29, r.18) . . . . .	161

### ORDER 30

#### RECEIVERS

Application for receiver and injunction (O.30, r.1) . . . . .	162
Giving of security by receiver (O.30, r.2) . . . . .	162
Remuneration of receiver (O.30, r.3) . . . . .	162
Service of order and notice (O.30, r.4) . . . . .	162
Receiver's accounts (O.30, r.5) . . . . .	163
Payment into Court by receiver (O.30, r.6) . . . . .	163
Default by receiver (O.30, r.7) . . . . .	163
Directions to receivers (O.30, r.8) . . . . .	163

### ORDER 31

#### SALES, ETC., OF LAND BY ORDER OF COURT

Power to order sale of land (O.31, r.1) . . . . .	164
Manner of carrying out sale (O.31, r.2) . . . . .	164
Certifying result of sale (O.31, r.3) . . . . .	165
Charge, exchange or partition under order of the Court (O.31, r.4) . . . . .	165
No rules (O.31, rr.5-8) . . . . .	165

**ORDER 32****APPLICATIONS AND PROCEEDINGS IN CHAMBERS**

Mode of making application (O.32, r.1) . . . . .	166
Issue of summons (O.32, r.2) . . . . .	166
Service of summons (O.32, r.3) . . . . .	166
Adjournment of hearing (O.32, r.4) . . . . .	166
Proceeding in absence of party failing to attend (O.32, r.5) . . . . .	166
Order made ex parte may be set aside (O.32, r.6) . . . . .	167
Subpoena for attendance of witness (O.32, r.7) . . . . .	167
Officers may administer oaths (O.32, r.8) . . . . .	167
No rule (O.32, r.9) . . . . .	167
Applications for a direction under the Limitation Law 1991 (O.32, r.9A) . . . . .	167
No rules (O.32, rr.10-12) . . . . .	167
No rules (O.32, rr.14-15) . . . . .	168
Obtaining assistance of experts (O.32, r.16) . . . . .	168
Service and notice of affidavit (O.32, r.17) . . . . .	168
No rule (O.32, r.18) . . . . .	168
Disposal of matters in Chambers (O.32, r.19) . . . . .	168
No rule (O.32, r.20) . . . . .	168
Papers for use of Court, etc. (O.32, r.21) . . . . .	168
Notes of proceedings in Chambers (O.32, r.22) . . . . .	169
No Rules (O.32, rr.23-26) . . . . .	169
Judgments and orders in Chambers (O.32, r.27) . . . . .	169
Application in case of emergency, etc. (O.32, r.28) . . . . .	169

**ORDER 33****PLACE AND MODE OF TRIAL**

Place of trial (O.33, r.1) . . . . .	170
Mode of trial (O.33, r.2) . . . . .	170
Time, etc. of trial of questions or issues (O.33, r.3) . . . . .	170
Determining the place and mode of trial (O.33, r.4) . . . . .	170
Split trial: offer on liability (O.33, r.4A) . . . . .	171
No rules (O.33, rr.5-6) . . . . .	171
Dismissal of action, etc. after decision of preliminary issue (O.33, r.7) . . . . .	171

**ORDER 34**

**FIXING A TRIAL DATE FOR ACTIONS BEGUN BY WRIT**

Application and interpretation (O.34, r.1) . . . . .	172
Order for action to be tried (O.34, r.2) . . . . .	172
Notice to fix a trial date (O.34, r.3) . . . . .	172
Directions relating to fixing a trial date (O.34, r.4) . . . . .	173
Further provisions fixing a trial date (O.34, r.5) . . . . .	173
No rule (O.34, rr.6-7) . . . . .	173
Notification of relevant information (O.34 r.8) . . . . .	173
No rule (O.34, r.9) . . . . .	173
Delivery of bundles to the Court (O.34, r.10) . . . . .	173

**ORDER 35**

**PROCEEDINGS AT TRIAL**

Failure to appear by both parties or one of them (O.35, r.1) . . . . .	175
Judgment etc. given in absence of party may be set aside (O.35, r.2) . . . . .	175
Adjournment of trial (O.35, r.3) . . . . .	175
No rules (O.35, rr.4-6) . . . . .	175
Order of speeches (O.35, r.7) . . . . .	175
Inspection by Judge or jury (O.35, r.8) . . . . .	176
Death of party before giving of judgment (O.35, r.9) . . . . .	176
No rules (O.35, rr.10-10A) . . . . .	176
List of Exhibits (O.35, r.11) . . . . .	177
Custody of exhibit after trial (O.35, r.12) . . . . .	177
Impounded documents (O.35, r.13) . . . . .	177
Officers may administer oaths (O.35, r.14) . . . . .	177

**ORDER 36**

**NO ORDER**

**ORDER 37****DAMAGES: ASSESSMENT AFTER JUDGMENT**

Assessment of damages by a Judge (O.37, r.1) . . . . .	179
Certificate of amount of damages (O.37, r.2) . . . . .	179
Default judgment against some but not all defendants (O.37, r.3) . . . . .	179
No rule (O.37, r.4) . . . . .	179
Assessment of value (O.37, r.5) . . . . .	179
Assessment of damages to time of assessment (O.37, r.6) . . . . .	179

**ORDER 38****EVIDENCE****I. GENERAL RULES**

Interpretation (O.38, r.1A) . . . . .	180
General rule: witnesses to be examined orally (O.38, r.1) . . . . .	180
Evidence by affidavit (O.38, r.2) . . . . .	180
Exchange of witnesses' statements (O.38, r.2A) . . . . .	180
Evidence of particular facts (O.38, r.3) . . . . .	183
Limitation of expert evidence (O.38, r.4) . . . . .	184
Limitation of plans, etc. in evidence (O.38, r.5) . . . . .	184
Revocation or variation of orders under rules 2 to 5 (O.38, r.6) . . . . .	184
Evidence of finding on foreign law (O.38, r.7) . . . . .	184
Application to trials of issues, references, etc. (O.38, r.8) . . . . .	185
Depositions: when receivable in evidence at trial (O.38, r.9) . . . . .	185
Court documents admissible or receivable in evidence (O.38, r.10) . . . . .	185
Evidence of consent of new trustee to act (O.38, r.11) . . . . .	185
Evidence at trial may be used in subsequent proceedings (O.38, r.12) . . . . .	186
Order to produce document at proceeding other than trial (O.38, r.13) . . . . .	186

**II. WRITS OF SUBPOENA**

Form and issue of writ of subpoena (O. 38, r.14) . . . . .	186
More than one name may be included in one writ of subpoena (O.38, r.15) . . . . .	186
Amendment of writ of subpoena (O.38, r.16) . . . . .	186
Service of writ of subpoena (O.38, r.17) . . . . .	186
Duration of writ of subpoena (O.38, r.18) . . . . .	187
Inspection of banker's books (O.38, r.19) . . . . .	187
Application (O.38, r.20) . . . . .	187
Notice of intention to give certain statements in evidence (O.38, r.21) . . . . .	187

Statement admissible by virtue of Section 30 of the Law: contents of notice (O.38, r.22) . . . . . 188

Statement admissible by virtue of Section 32 of the Law: contents of notice (O.38, r.23) . . . . . 189

Statement admissible by virtue of Section 33 of the Law: contents of notice (O.38, r.24) . . . . . 189

Reasons for not calling a person as a witness (O.38, r.25) . . . . . 190

Counter-notice requiring person to be called as a witness (O.38, r.26) . . . . . 190

Determination of question whether person can or should be called as a witness (O.38, r.27) . . . . . 191

Directions with respect to statement made in previous proceedings (O.38, r.28) . . . . . 191

Power of Court to allow statement to be given in evidence (O.38, r.29) . . . . . 192

Restriction on adducing evidence as to credibility of maker, etc., of certain statements (O.38, r.30) . . . . . 192

Notice required of intention to give evidence of certain inconsistent statements (O.38, r.31) . . . . . 193

Costs (O.38, r.32) . . . . . 193

Certain powers exercisable in Chambers (O.38, r.33) . . . . . 193

Statements of opinion (O.38, r.34) . . . . . 193

**IV. EXPERT EVIDENCE**

Interpretation (O.38, r.35) . . . . . 194

Restrictions on adducing expert evidence (O.38, r.36) . . . . . 194

Direction that expert report be disclosed (O.38, r.37) . . . . . 194

Meeting of experts (O.38, r.38) . . . . . 194

Disclosure of part of expert evidence (O.38, r.39) . . . . . 194

No rule (O.38 r.40) . . . . . 194

Expert evidence contained in statement (O.38, r.41) . . . . . 194

Putting in evidence expert report disclosed by another party (O.38, r.42) . . . . . 195

Time for putting expert report in evidence (O.38, r.43) . . . . . 195

Revocation and variation of directions (O.38, r.44) . . . . . 195

**ORDER 39**

**EVIDENCE BY DEPOSITION: EXAMINERS OF THE COURT**

Power to order depositions to be taken (O.39, r.1) . . . . . 196

Where person to be examined is out of the jurisdiction (O.39, r.2) . . . . . 196

Order for issue of letter of request (O.39, r.3) . . . . . 196

Examination otherwise than on oath (O.39, r.3A) . . . . . 197

Enforcing attendance of witness at examination (O.39, r.4) . . . . . 197

Refusal of witness to attend, be sworn, etc. (O.39, r.5) . . . . . 198  
 Appointment of time and place for examination (O.39, r.6) . . . . . 198  
 Examiner to have certain documents (O.39, r.7) . . . . . 198  
 Conduct of examination (O.39, r.8) . . . . . 198  
 Examination of additional witnesses (O.39, r.9) . . . . . 199  
 Objection to questions (O.39, r.10) . . . . . 199  
 Taking of depositions (O.39, r.11) . . . . . 199  
 Time taken by examination to be indorsed on depositions (O.39, r.12) . . . . . 200  
 Special report by examiner (O.39, r.13) . . . . . 200  
 Order for payment of examiner's fees (O.39, r.14) . . . . . 200  
 Perpetuation of testimony (O.39, r.15) . . . . . 200  
 Examiners of the Court (O.39, r.16) . . . . . 201  
 No rules (O.39, rr.17-18) . . . . . 201  
 Fees and expenses of examiners of the Court (O.39, r.19) . . . . . 201

**ORDER 40**

**COURT EXPERT**

Appointment of expert to report on certain questions (O.40, r.1) . . . . . 202  
 Report of court expert (O.40, r.2) . . . . . 202  
 Experiments and tests (O.40, r.3) . . . . . 202  
 Cross-examination of court expert (O.40, r.4) . . . . . 203  
 Remuneration of court expert (O.40, r.5) . . . . . 203  
 Calling of expert witnesses (O.40, r.6) . . . . . 203

**ORDER 41**

**AFFIDAVITS**

Form of affidavit (O.41, r.1) . . . . . 204  
 Affidavit by two or more deponents (O.41, r.2) . . . . . 205  
 Affidavit by illiterate or blind person (O.41, r.3) . . . . . 205  
 Use of defective affidavit (O.41, r.4) . . . . . 205  
 Contents of affidavit (O.41, r.5) . . . . . 205  
 Scandalous, etc., matter in affidavit (O.41, r.6) . . . . . 205  
 Alterations in affidavits (O.41, r.7) . . . . . 205  
 Affidavits to be sworn (O.41, r.8) . . . . . 206  
 Filing of affidavits (O.41, r.9) . . . . . 206  
 Use of original affidavit or office copy (O.41, r.10) . . . . . 206  
 Document to be used in conjunction with affidavit to be exhibited to it (O.41, r.11) . . . 206  
 Form of documentary exhibits (O.41, r.12) . . . . . 207

Exhibits other than documents (O.41, r.13) . . . . .	208
Court documents not to be exhibited (O.41, r.14) . . . . .	208
Reference to exhibits (O.41, r.15) . . . . .	208

## ORDER 42

### JUDGMENTS AND ORDERS

Form of judgment, etc. (O.42, r.1) . . . . .	209
No rule (O.42, r.1A) . . . . .	210
Judgment, etc., requiring act to be done: time for doing it (O.42, r.2) . . . . .	210
Date from which judgment or order takes effect (O.42, r.3) . . . . .	210
Judgment against a State (O.42, r.3A) . . . . .	210
Orders required to be drawn up (O.42, r.4) . . . . .	210
Drawing up and filing of judgments and orders (O.42, r.5) . . . . .	211
Consent judgments and orders (O.42, r.5A) . . . . .	212
Default judgments (O.42, r.6) . . . . .	213
Original and office copies of judgments etc. (O.42, r.7) . . . . .	214
Judgments given in foreign currencies (O.42, r.8) . . . . .	215
Application in respect of orders of the Privy Council (O.42, r.9) . . . . .	215

## ORDER 43

### ACCOUNTS AND INQUIRIES

Summary order for account (O.43, r.1) . . . . .	216
Court may direct taking of accounts, etc. (O.43, r.2) . . . . .	216
Directions as to manner of taking account or making inquiry (O.43, r.3) . . . . .	216
Account to be made, verified etc. (O.43, r.4) . . . . .	217
Notice to be given of alleged omissions, etc. in account (O.43, r.5) . . . . .	217
Allowances (O.43, r.6) . . . . .	217
Delay in prosecution of accounts, etc. (O.43, r.7) . . . . .	217
Distribution of fund before all persons entitled are ascertained (O.43, r.8) . . . . .	217
No rule (O.43, r.9) . . . . .	218

## ORDER 44

### PROCEEDINGS UNDER JUDGMENTS AND ORDERS

Application to orders (O.44, r.1) . . . . .	219
Service of notice of judgment on person not a party (O.44, r.2) . . . . .	219



Directions by the Court (O.44, r.3) . . . . . 219  
 Application of rr.5 to 8 (O.44, r.4) . . . . . 220  
 Advertisements for creditors and other claimants (O.44, r.5) . . . . . 220  
 Examination of claims (O.44, r.6) . . . . . 221  
 Adjudication on claims (O.44, r.7) . . . . . 221  
 Notice of adjudication (O.44, r.8) . . . . . 221  
 Interest on debts (O.44, r.9) . . . . . 222  
 Interest on legacies (O.44, r.10) . . . . . 222  
 No rules (O.44, rr.11-12) . . . . . 222

**ORDER 45**

**ENFORCEMENT OF JUDGMENTS AND ORDERS: GENERAL**

Enforcement of judgment, etc., for payment of money (O.45, r.1) . . . . . 223  
 No rule (O.45, r.2) . . . . . 223  
 Enforcement of judgment for possession of land (O.45, r.3) . . . . . 223  
 Enforcement of judgment for delivery of goods (O.45, r.4) . . . . . 224  
 Enforcement of judgment to do or abstain from doing any act (O.45, r.5) . . . . . 225  
 Judgment, etc. requiring act to be done: order fixing time for doing (O.45, r.6) . . . . . 225  
 Service of copy of judgment, etc., prerequisite to enforcement under r.5 (O.45, r.7) . . . . . 226  
 Court may order act to be done at expense of disobedient party (O.45, r.8) . . . . . 227  
 Execution by or against person not being a party (O.45, r.9) . . . . . 227  
 Conditional judgment: waiver (O.45, r.10) . . . . . 228  
 Matters occurring after judgment: stay of execution, etc. (O.45, r.11) . . . . . 228  
 Forms of writs (O.45, r.12) . . . . . 228  
 Enforcement of judgments and orders for recovery of money, etc. (O.45, r.13) . . . . . 228  
 No rules (O.45, rr.14-15) . . . . . 228

**ORDER 46**

**WRITS OF EXECUTION: GENERAL**

Definition (O.46, r.1) . . . . . 229  
 When leave to issue any writ of execution is necessary (O.46, r.2) . . . . . 229  
 Leave required for issue of writ in aid of other writ (O.46, r.3) . . . . . 230  
 Application for leave to issue writ (O.46, r.4) . . . . . 230  
 Application for leave to issue writ of sequestration (O.46, r.5) . . . . . 230  
 Issue of writ of execution (O.46, r.6) . . . . . 231  
 No rule (O.46, r.7) . . . . . 231  
 Duration and renewal of execution (O.46, r.8) . . . . . 231  
 Return of writ of execution (O.46, r.9) . . . . . 232

**ORDER 47****WRITS OF FIERI FACIAS**

Power to stay execution by writ of fieri facias (O.47, r.1) . . . . .	233
No rule (O.47, r.2) . . . . .	233
Separate writs to enforce payment of costs, etc. (O.47, r.3) . . . . .	233

**ORDER 48****EXAMINATION OF JUDGMENT DEBTOR, ETC.**

Order for examination of judgment debtor (O.48, r.1) . . . . .	235
Examination of party liable to satisfy other judgment (O.48, r.2) . . . . .	235
Examiner to make record of debtor's statement (O.48, r.3) . . . . .	235

**ORDER 49****GARNISHEE PROCEEDINGS**

Attachment of debt due to judgment debtor (O.49, r.1) . . . . .	236
Application for order (O.49, r.2) . . . . .	236
Service and effect of order to show cause (O.49, r.3) . . . . .	236
No appearance or dispute of liability by garnishee (O.49, r.4) . . . . .	237
Dispute of liability by garnishee (O.49, r.5) . . . . .	237
Claims of third persons (O.49, r.6) . . . . .	237
No rule (O.49, r.7) . . . . .	237
Discharge of garnishee (O.49, r.8) . . . . .	237
Money in Court (O.49, r.9) . . . . .	238
Costs (O.49, r.10) . . . . .	238

**ORDER 50****CHARGING ORDERS, STOP ORDERS, ETC.**

Interpretation (O.50., r.1A) . . . . .	239
Order imposing a charge on a beneficial interest (O.50, r.1) . . . . .	239
Service of notice of order to show cause (O.50, r.2) . . . . .	240
Order made on further consideration (O.50, r.3) . . . . .	241
Registration of order imposing a charge on an interest in land (O.50, r.4A) . . . . .	241

Effect of order in relation to securities out of Court (O.50, r.5) . . . . .	242
Effect of order in relation to funds in Court (O.50, r.6) . . . . .	243
Discharge, etc., of charging order (O.50, r.7) . . . . .	243
Enforcement of order charging an interest in land (O.50, r.8) . . . . .	243
Enforcement of order charging property other than land (O.50, r.9) . . . . .	244
Funds in Court: stop order (O.50, r.10) . . . . .	244
Securities not in Court: stop notice (O.50, r.11) . . . . .	245
Effect of stop notice (O.50, r.12) . . . . .	245
Amendment of stop notice (O.50, r.13) . . . . .	245
Withdrawal etc. of stop notice (O.50, r.14) . . . . .	246
Order prohibiting transfer, etc. of securities (O.50, r.15) . . . . .	246
Interpretation (O.50A, r.1) . . . . .	247
Register of orders (O.50A, r.2) . . . . .	247
Non-resident debtors (O.50A, r.3) . . . . .	247
Mode of applying (O.50A, r.4) . . . . .	247
Service and reply (O.50A, r.5) . . . . .	248
Notice to employer (O.50A, r.6) . . . . .	248
Attachment of earnings order (O.50A, r.7) . . . . .	248
Failure by debtor (O.50A, r.8) . . . . .	249
Costs (O.50A, r.9) . . . . .	250
Contents and service of order (O.50A, r.10) . . . . .	250
Application to determine whether particular payments are earnings (O.50A, r.11) . . . . .	250
Notice of cessation (O.50A, r.12) . . . . .	250
Variation and discharge by Court of own motion (O.50A, r.13) . . . . .	250
Exercise of power to obtain statement of earnings (O.50A, r.14) . . . . .	251
Offences (O.50A, r.15) . . . . .	252
Maintenance orders (O.50A, r.16) . . . . .	252
Cases in which consolidated order may be made (O.50A, r.17) . . . . .	252
Application for consolidated order (O.50A, r.18) . . . . .	253
Making of consolidated order by Court of its own motion (O.50A, r.19) . . . . .	254
Extension of consolidated order (O.50A, r.20) . . . . .	254
Payments under consolidated order (O.50A, r.21) . . . . .	254

## ORDER 51

### RECEIVERS: EQUITABLE EXECUTION

Appointment of receiver by way of equitable execution (O.51, r.1) . . . . .	255
No rule (O.51, r.2) . . . . .	255
Application of rules as to appointment of receiver, etc. (O.51, r.3) . . . . .	255

**ORDER 52**

**COMMITTAL**

**I. GENERAL PROVISIONS**

Committal for contempt of court (O.52, r.1) . . . . . 256  
 No rules (O.52, rr.2-3) . . . . . 256  
 Application for committal (O.52, r.4) . . . . . 256  
 Committal by the Court of its own motion (O.52, r.5) . . . . . 256  
 Provisions as to hearing (O.52, r.6) . . . . . 256  
 Power to suspend execution of committal order (O.52, r.7) . . . . . 257  
 Discharge of person committed (O.52, r.8) . . . . . 257  
 Saving for other powers (O.52, r.9) . . . . . 258  
 Warrant of committal (O.52, r.10) . . . . . 258

**II. IMPRISONMENT FOR NON-PAYMENT OF JUDGMENT DEBTS**

No Rule (O.52, r.11) . . . . . 258  
 Application for committal (O.52, r.12) . . . . . 258  
 Attendance of debtor (O.52, r.13) . . . . . 258  
 Payment of the judgment debt (O.52, r.14) . . . . . 259  
 Order for committal (O.52, r.15) . . . . . 259  
 Discharge of debtor (O.52, r.16) . . . . . 260

**ORDER 53**

**APPLICATIONS FOR JUDICIAL REVIEW**

Cases appropriate for application for judicial review (O.53, r.1) . . . . . 261  
 Joinder of claims for relief (O.53, r.2) . . . . . 261  
 Grant of leave to apply for judicial review (O.53, r.3) . . . . . 261  
 Delay in applying for relief (O.53, r.4) . . . . . 263  
 Mode of applying for judicial review (O.53, r.5) . . . . . 263  
 Statements and affidavits (O.53, r.6) . . . . . 264  
 Claim for damages (O.53, r.7) . . . . . 264  
 No rule (O.53, r.8) . . . . . 265  
 Hearing of application for judicial review (O.53, r.9) . . . . . 265  
 Saving for person acting in obedience to mandamus (O.53, r.10) . . . . . 265  
 No rule (O.53, r.11) . . . . . 265  
 Consolidation of Applications (O.53, r.12) . . . . . 265  
 Appeal from Court's order (O.53, r.13) . . . . . 266

**ORDER 54**

**APPLICATIONS FOR WRIT OF HABEAS CORPUS**

Application for writ of habeas corpus ad subjiciendum (O.54, r.1) . . . . . 267  
 Power of Court to whom ex parte application is made (O.54, r.2) . . . . . 267  
 Copies of affidavits to be supplied (O.54, r.3) . . . . . 267  
 Power to order release of person restrained (O.54, r.4) . . . . . 267  
 Directions as to return to writ (O.54, r.5) . . . . . 268  
 Service of writ and notice (O.54, r.6) . . . . . 268  
 Return to the writ (O.54, r.7) . . . . . 268  
 Procedure at hearing of writ (O.54, r.8) . . . . . 268  
 Bringing up prisoner to give evidence, etc. (O.54, r.9) . . . . . 268  
 Form of writ (O.54, r.10) . . . . . 269

**ORDER 55**

**APPEALS TO GRAND COURT FROM GOVERNOR-IN-COUNCIL, REGISTRAR OF LANDS, TRIBUNAL OR OTHER PERSON: GENERAL**

Application (O.55, r.1) . . . . . 270  
 Court to hear appeal (O.55, r.2) . . . . . 270  
 Bringing of appeal (O.55, r.3) . . . . . 270  
 Service of notice of motion and entry of appeal (O.55, r.4) . . . . . 271  
 Date of hearing of appeal (O.55, r.5) . . . . . 271  
 Amendment of grounds of appeal, etc. (O.55, r.6) . . . . . 271  
 Powers of Court hearing appeal (O.55, r.7) . . . . . 271  
 Right of Governor-in-Council to appear and be heard (O.55, r.8) . . . . . 272

**ORDER 56**

**APPEALS TO COURT BY CASE STATED: GENERAL**

No rules (O.56, rr.1-6) . . . . . 273  
 Case stated by Governor-in-Council, the Registrar of Lands, tribunal or other person  
 (O.56, r.7) . . . . . 273  
 Application for order to state a case (O.56, r.8) . . . . . 273  
 Signing and service of case (O.56, r.9) . . . . . 274  
 Proceedings for determination of case (O.56, r.10) . . . . . 274  
 Amendment of case (O.56, r.11) . . . . . 275  
 Right of Governor-in-Council, etc. to appear and be heard (O.56, r.12) . . . . . 275  
 No Rules (O.56, rr.12A-13) . . . . . 275

**ORDERS 57-61**

**NO ORDERS**

**ORDER 62**

**COSTS**

Claim for fixed costs (O.62, r.1) . . . . .	277
Claims for costs pursuant to a contract (O.62, r.2) . . . . .	277
Assessment of costs (O.62, r.3) . . . . .	277

**ORDER 63**

**OFFICE OF THE GRAND COURT**

Distribution of business in the Court (O.63, r.1) . . . . .	279
Court files (O.63, r.2) . . . . .	279
Filing of documents (O.63, r.3) . . . . .	279
Restriction on removal of documents (O.63, r.4) . . . . .	280
Identity of party filing documents (O.63, r.5) . . . . .	280
Deposit of documents (O.63, r.6) . . . . .	280
Register of judgments (O.63, r.7) . . . . .	280
Register of writs and other originating process (O.63, r.8) . . . . .	281
Office hours (O.63, r.9) . . . . .	281

**ORDER 64**

**NO ORDER**

**ORDER 65**

**SERVICE OF DOCUMENTS**

When personal service required (O.65, r.1) . . . . .	283
Personal service: how effected (O.65, r.2) . . . . .	283
Service on body corporate (O.65, r.3) . . . . .	283

Substituted service (O.65, r.4) . . . . .	283
Ordinary service: how effected (O.65, r.5) . . . . .	283
Service on Governor-in-Council, etc., in proceedings which are not by or against the Crown (O.65, r.6) . . . . .	285
Effect of service after certain hours (O.65, r.7) . . . . .	285
Affidavit of service (O.65, r.8) . . . . .	285
No service required in certain cases (O.65, r.9) . . . . .	285
Service of process on Sunday (O.65, r.10) . . . . .	285

### ORDER 66

#### PAPER, PRINTING, BINDING AND COPIES

Quality and size of paper (O.66, r.1) . . . . .	286
Regulations as to printing, etc. (O.66, r.2) . . . . .	286
Copies of documents for other party (O.66, r.3) . . . . .	286
Requirements as to copies (O.66, r.4) . . . . .	287
Requirements as to binding (O.66, r.5) . . . . .	287

### ORDER 67

#### CHANGE OF ATTORNEY

Notice of change of attorney (O.67, r.1) . . . . .	288
No rule (O.67, r.2) . . . . .	288
Notice of appointment of attorney (O.67, r.3) . . . . .	288
Notice of intention to act in person (O.67, r.4) . . . . .	288
Removal of attorney from record at instance of another party (O.67, r.5) . . . . .	288
Withdrawal of attorney who has ceased to act for party (O.67, r.6) . . . . .	289
Address for service of party whose attorney is removed, etc. (O.67, r.7) . . . . .	290
Copy of notice to be filed (O.67, r.8) . . . . .	290

### ORDER 68

#### NO ORDER

**ORDER 69**

**PROVISIONS AS TO FOREIGN PROCEEDINGS;  
SERVICE OF FOREIGN PROCESS**

Definitions (O.69, r.1) . . . . . 292  
Applications (O.69, r.2) . . . . . 292  
Service of process (O.69, r.3) . . . . . 292  
Service of process by private process server (O.69, r.4) . . . . . 293

**ORDER 70**

**OBTAINING EVIDENCE FOR FOREIGN COURTS, ETC.**

Interpretation (O.70, r.1) . . . . . 294  
Application for order (O.70, r.2) . . . . . 294  
Application by Attorney General in certain cases (O.70, r.3) . . . . . 294  
Person to take and manner of taking examination (O.70, r.4) . . . . . 294  
Dealing with deposition (O.70, r.5) . . . . . 295  
Claim to privilege (O.70, r.6) . . . . . 295

**ORDER 71**

**FOREIGN JUDGMENT RECIPROCAL ENFORCEMENT LAW (REVISED)**

Interpretation (O.71, r.1) . . . . . 297  
Application for registration (O.71, r.2) . . . . . 297  
Evidence in support of application (O.71, r.3) . . . . . 297  
Security for costs (O.71, r.4) . . . . . 297  
Order for registration (O.71, r.5) . . . . . 298  
Filing of judgments (O.71, r.6) . . . . . 298  
Notice of registration (O.71, r.7) . . . . . 298  
No rule (O.71, r.8) . . . . . 299  
Application to set aside registration (O.71, r.9) . . . . . 299  
Issue of execution (O.71, r.10) . . . . . 299  
No rules (O.71, rr.11-12) . . . . . 299  
Certified copy of Grand Court judgment (O.71, r.13) . . . . . 299



**ORDER 73****ARBITRATION PROCEEDINGS**

Interpretation (O.73, r.1) . . . . .	302
Applications by originating motion (O.73, r.2) . . . . .	302
Applications by originating summons (O.73, r.3) . . . . .	302
Enforcement of arbitral awards (O.73, r.4) . . . . .	303
Application to stay enforcement of award under 1988 Order (O.73, r.4A) . . . . .	304
(O.73, r.5) . . . . .	304

**ORDER 74****APPLICATIONS AND APPEALS UNDER THE  
MERCHANT SHIPPING ACTS**

Interpretation (O.74, r.1) . . . . .	306
Rehearing of and appeal from inquiries and investigations (O.74, r.2) . . . . .	306
Order for sale on transmission of a ship to an unqualified person (O.74, r.3) . . . . .	306
Proceedings on forfeiture of ship (O.74, r.4) . . . . .	306

**ORDER 75****ADMIRALTY PROCEEDINGS**

Application and interpretation (O.75, r.1) . . . . .	308
Forms (O.75, r.2) . . . . .	309
Proceedings against, or concerning, the International Oil Pollution Compensation Fund (O.75, r.2A) . . . . .	309
Issue of writ and acknowledgment of service (O.75, r.3) . . . . .	309
Service of writ out of jurisdiction (O.75, r.4) . . . . .	310
Warrant of arrest (O.75, r.5) . . . . .	311
Caveat against arrest (O.75, r.6) . . . . .	312
Remedy where property protected by caveat is arrested without good and sufficient reason (O.75, r.7) . . . . .	313
Service of writ in action in rem (O.75, r.8) . . . . .	313
Committal of attorney failing to comply with undertaking (O.75, r.9) . . . . .	314
Execution, etc., of warrant of arrest (O.75, r.10) . . . . .	314
Service on ships, etc.: how effected (O.75, r.11) . . . . .	314
Directions with respect to property under arrest (O.75, r.12) . . . . .	315
Release of property under arrest (O.75, r.13) . . . . .	315
Caveat against release, etc. (O.75, r.14) . . . . .	316

Duration of caveats (O.75, r.15) . . . . . 316  
 Bail (O.75, r.16) . . . . . 317  
 Interveners (O.75, r.17) . . . . . 317  
 Preliminary acts (O.75, r.18) . . . . . 317  
 Failure to file preliminary act: proceedings against party in default (O.75, r.19) . . . . . 319  
 Special provisions as to pleadings in collision, etc., actions (O.75, r.20) . . . . . 320  
 Judgment by default (O.75, r.21) . . . . . 320  
 Order for sale of ship: determination of priority of claims (O.75, r.22) . . . . . 322  
 Appraisalment and sale of property (O.75, r.23) . . . . . 323  
 Undertakings as to expenses, etc. (O.75, r.23A) . . . . . 323  
 Payment into and out of Court (O.75, r.24) . . . . . 324  
 Summons for directions (O.75, r.25) . . . . . 324  
 Fixing date for trial, etc. (O.75, r.26) . . . . . 324  
 Stay of proceedings in collision, etc., actions until security given (O.75, r.27) . . . . . 325  
 Inspection of ship, etc. (O.75, r.28) . . . . . 325  
 No rule (O.75, r.29) . . . . . 325  
 Examination of witnesses and other persons (O.75, r.30) . . . . . 326  
 Trial without pleadings (O.75, r.31) . . . . . 326  
 Further provisions with respect to evidence (O.75, r.32) . . . . . 327  
 Proceedings for apportionment of salvage (O.75, r.33) . . . . . 327  
 No rule (O.75, r.33A) . . . . . 327  
 Notice of motion in actions in rem (O.75, r.34) . . . . . 327  
 Agreement between attorneys may be made an order of Court (O.75, r.35) . . . . . 327  
 No rule (O.75, r.36) . . . . . 327  
 Limitation action: parties (O.75, r.37) . . . . . 327  
 Limitation action: payment into Court (O.75, r.37A) . . . . . 328  
 Limitation action: summons for decree or directions (O.75, r.38) . . . . . 329  
 Limitation action: proceedings under decree (O.75, r.39) . . . . . 330  
 Limitation action: proceedings to set aside decree (O.75, r.40) . . . . . 331  
 No rules (O.75, rr.41-44) . . . . . 332  
 Drawing up and filing judgments and orders (O.75, r.45) . . . . . 332

**ORDER 76**

**CONTENTIOUS PROBATE PROCEEDINGS**

Application and interpretation (O.76, r.1) . . . . . 333  
 Requirements in connection with issue of writ (O.76, r.2) . . . . . 333  
 Parties to action to revocation of grant (O.76, r.3) . . . . . 333  
 No rule (O.76, r.4) . . . . . 333  
 Affidavit of testamentary scripts (O.76, r.5) . . . . . 333  
 Failure to acknowledge service (O.76, r.6) . . . . . 334  
 Service of statement of claim (O.76, r.7) . . . . . 335

Counterclaim (O.76, r.8) . . . . .	335
Contents of pleadings (O.76, r.9) . . . . .	335
Default of pleadings (O.76, r.10) . . . . .	336
Discontinuance and dismissal (O.76, r.11) . . . . .	336
Compromise of action: trial on affidavit evidence (O.76, r.12) . . . . .	336
Application for order to bring will, etc. (O.76, r.13) . . . . .	336
Administration pending suit (O.76, r.14) . . . . .	337
Probate counterclaim in other proceedings (O.76, r.15) . . . . .	337
No Rule (O.76, r.16) . . . . .	337

## ORDER 77

### PROCEEDINGS BY AND AGAINST THE CROWN

Application and interpretation (O.77, r.1) . . . . .	338
No rule (O.77, r.2) . . . . .	338
Particulars to be included in indorsement of claim (O.77, r.3) . . . . .	338
Service on the Crown (O.77, r.4) . . . . .	339
No rule (O.77, r.5) . . . . .	339
Counterclaim and set-off (O.77, r.6) . . . . .	339
Summary judgment (O.77, r.7) . . . . .	339
No rules (O.77, rr.8-8A) . . . . .	340
Judgment in default (O.77, r.9) . . . . .	340
Third party notices (O.77, r.10) . . . . .	340
Interpleader: application for order against Crown (O.77, r.11) . . . . .	340
Discovery and interrogatories (O.77, r.12) . . . . .	340
No rule (O.77, r.13) . . . . .	341
Evidence (O.77, r.14) . . . . .	341
Execution and satisfaction of orders (O.77, r.15) . . . . .	341
Attachment of debts (O.77, r.16) . . . . .	341
No rule (O.77, r.17) . . . . .	342
Application under Section 20 of the Crown Proceedings Law (O.77, r.18) . . . . .	342

## ORDERS 78-79

### NO ORDERS

**ORDER 80****DISABILITY****I. CONDUCT OF LITIGATION**

Interpretation (O.80, r.1) .....	344
Person under disability must sue, etc., by next friend or guardian ad litem (O.80, r.2) ..	344
Appointment of next friend or guardian ad litem (O.80, r.3) .....	344
No rules (O.80, rr.4-5) .....	346
Appointment of guardian where person under disability does not acknowledge service (O.80, r.6) .....	346
Application to discharge or vary certain orders (O.80, r.7) .....	347
Admission not to be implied from pleading of person under disability (O.80, r.8) .....	348
Discovery and interrogatories (O.80, r.9) .....	348
Compromise, etc. by person under disability (O.80, r.10) .....	348
Approval of settlement (O.80, r.11) .....	348
Control of money recovered by person under disability (O.80, r.12) .....	348
Appointment of guardian of child's estate (O.80, r.13) .....	349
No rule (O.80, r.14) .....	350
Proceedings under Law of Torts Reform Law - apportionment by Court (O.80, r.15) ..	350
Service of certain documents on person under disability (O.80, r.16) .....	350

**II. ADMINISTRATION OF PATIENT'S PROPERTY**

Application to appoint receiver, etc. (O.80, r.17) .....	351
Power to direct application by officer of Court or Solicitor General (O.80, r.18) .....	352
Representation of patient by Solicitor General (O.80, r.19) .....	352
Evidence to be filed on application under rule 17 (O.80, r.20) .....	352
Service on patient (O.80, r.21) .....	353
Appointment of receiver (O.80, r.22) .....	353
Receiver's accounts (O.80, r.23) .....	354
Default by receiver (O.80, r.24) .....	354
Discharge of receiver (O.80, r.25) .....	355
Application for settlement or gift of patient's property or for execution of will of patient (O.80, r.26) .....	355
Application to be heard in Chambers (O.80, r.27) .....	356

**III. APPOINTMENT OF GUARDIAN**

Application for appointment of guardian (O.80, r.28) .....	356
Evidence in support of an application under rule 28 (O.80, r.29) .....	356
Service (O.80, r.30) .....	357

Order appointing guardian (O.80, r.31) .....	357
Removal of guardian (O.80, r.32) .....	357

## ORDER 81

### PARTNERS

#### I. GENERAL PARTNERSHIPS

Actions by and against firms within jurisdiction (O.81, r.1) .....	358
Disclosure of partners' names (O.81, r.2) .....	358
Service of writ (O.81, r.3) .....	358
Acknowledgment of service in action against firm (O.81, r.4) .....	359
Enforcing judgment or order against firm (O.81, r.5) .....	360
Enforcing judgment or order in actions between partners, etc. (O.81, r.6) .....	361
Attachment of debts owed by firm (O.81, r.7) .....	361
Actions begun by originating summons (O.81, r.8) .....	361
Application to person carrying on business in another name (O.81, r.9) .....	361
Applications for orders charging partner's interest in partnership property, etc. (O.81, r.10) .....	362

#### II. LIMITED PARTNERSHIPS

Definitions (O.81, r.11) .....	362
Actions by and against firms within jurisdiction (O.81, r.12) .....	363
Service of writ (O.81, r.13) .....	363
Acknowledgment of service in action against firm (O.81, r.14) .....	363
Enforcing judgment or order against firm (O.81, r.15) .....	363

## ORDER 82

### DEFAMATION ACTIONS

Application (O.82, r.1) .....	365
Indorsement of claim in libel action (O.82, r.2) .....	365
Application for leave to institute defamation action (O.82, r.2A) .....	365
Obligation to give particulars (O.82, r.3) .....	365
Provisions as to payment into Court (O.82, r.4) .....	366
Statement in open Court (O.82, r.5) .....	366
Interrogatories not allowed in certain cases (O.82, r.6) .....	367

No rule (O.82, r.7) ..... 367  
 Fulfilment of offer of amends under Section 4 of the Defamation Law (Revised) (O.82,  
 r.8) ..... 367

**ORDERS 83-84**

**NO ORDERS**

**ORDER 85**

**ADMINISTRATION AND SIMILAR ACTIONS**

Interpretation (O.85, r.1) ..... 369  
 Determination of questions, etc., without administration (O.85, r.2) ..... 369  
 Parties (O.85, r.3) ..... 370  
 Grant of relief in action begun by originating summons (O.85, r.4) ..... 371  
 Judgments and orders in administration actions (O.85, r.5) ..... 371  
 Conduct of sale of trust property (O.85, r.6) ..... 372  
 Ordinary application under Section 45 of the Trusts Law (Revised) (O.85, r.7) ..... 372  
 Written application under Section 45 of the Trusts Law (Revised) (O.85, r.8) ..... 373

**ORDER 86**

**ACTIONS FOR SPECIFIC PERFORMANCE, ETC.:**

**SUMMARY JUDGMENT**

Application by plaintiff for summary judgment (O.86, r.1) ..... 375  
 Manner in which application under rule 1 must be made (O.86, r.2) ..... 375  
 Judgment for plaintiff (O.86, r.3) ..... 376  
 Leave to defend (O.86, r.4) ..... 376  
 Directions (O.86, r.5) ..... 376  
 Costs (O.86, r.6) ..... 376  
 Setting aside judgment (O.86, r.7) ..... 377

**ORDERS 87-91**

**NO ORDERS**

**ORDER 92****LODGMET, INVESTMENT, ETC., OF FUNDS IN COURT**

Interpretation (O.92, r.1) . . . . .	379
Payment into Court under the Trusts Law (Revised) (O.92, r.2) . . . . .	379
Notice of lodgment (O.92, r.3) . . . . .	380
Applications with respect to funds in Court (O.92, r.4) . . . . .	380
Court Funds Office (O.92, r.5) . . . . .	381
Discharge of the Accountant General's functions (O.92, r.6) . . . . .	381
Bank accounts (O.92, r.7) . . . . .	381
Lodgment schedule (O.92, r.8) . . . . .	382
Payment schedule (O.92, r.9) . . . . .	382
Preparation of schedules (O.92, r.10) . . . . .	382
Lodgment of money in Court (O.92, r.11) . . . . .	383
Securities transferable by delivery and deposit of property (O.92, r.12) . . . . .	383
Securities not transferable by delivery (O.92, r.13) . . . . .	383
Appropriation (O.92, r.14) . . . . .	383
Withdrawal of money from Nominated Accounts (O.92, r.15) . . . . .	384
Range of investments (O.92, r.16) . . . . .	384
Time for investment (O.92, r.17) . . . . .	384
Designated mutual funds (O.92, r.18) . . . . .	384
Payment, transfer and delivery of funds out of Court (O.92, r.19) . . . . .	384
Payment to representatives of deceased persons (O.92, r.20) . . . . .	385
Payment out without order of money lodged in satisfaction (O.92, r.21) . . . . .	385
Payment out of interest on securities (O.92, r.22) . . . . .	386
Charges on purchase or sale of securities (O.92, r.23) . . . . .	386
Certificates of funds in Court, copies of accounts, etc. (O.92, r.24) . . . . .	386
Transitional provisions (O.92, r.25) . . . . .	386

**ORDER 93****THE ELECTIONS LAW (1995 REVISION)**

Interpretation and application (O.93, r.1) . . . . .	388
Form, presentation and service of election petitions (O.93, r.2) . . . . .	388
Security for costs (O.93, r.3) . . . . .	389
Publication of election petition (O.93, r.4) . . . . .	389
Fixing time for hearing election petition (O.93, r.5) . . . . .	389
Evidence to be filed (O.93, r.6) . . . . .	390
Withdrawal of election petition (O.93, r.7) . . . . .	390
Summary dismissal and stay of election petition (O.93, r.8) . . . . .	391

Death of petitioner (O.93, r.9) . . . . . 391  
 Respondent's nature of non-opposition (O.93, r.10) . . . . . 392

**ORDER 94**

**APPLICATIONS TO THE GRAND COURT UNDER VARIOUS STATUTES**

Applications under the Bills of Sale Law (Revised) (O.94, r.1) . . . . . 393  
 Applications under the Building Society's Law (Revised) (O. 94, r.2) . . . . . 393  
 Application under Section 96 of the Registered Land Law (O.94, r.3) . . . . . 394  
 Application under Section 9 of the Strata Titles Registration Law 1973 (O.94, r.4) . . . . . 395  
 Application under Section 17 of the Strata Titles Registration Law 1973 (O.94, r.5) . . . . . 395  
 Applications under the Married Women's Property Law Cap. 94 (O.94, r.6) . . . . . 396

**ORDER 95**

**THE BANKS AND TRUST COMPANIES LAW**

Definitions (O.95, r.1) . . . . . 397  
 Application by the Inspector (O.95, r.2) . . . . . 397  
 Application by the Governor for a winding up order (O.95, r.3) . . . . . 398  
 Application by the Governor for other relief (O.95, r.4) . . . . . 399

**ORDER 96-98**

**NO ORDERS**

**ORDER 99**

**PRIZE**

**ORDER 100-101**

**NO ORDERS**



**ORDER 102**

**APPLICATIONS PURSUANT TO THE COMPANIES LAW (1995 REVISION)**

Definitions (O.102, r.1) . . . . . 403  
 Applications to be made by originating summons (O.102, r.2) . . . . . 403  
 Applications to be made by originating motion (O.102, r.3) . . . . . 404  
 Applications to be made by petition (O.102, r.4) . . . . . 404  
 Entitlement of proceedings (O.102, r.5) . . . . . 404  
 Summons for directions (O.102, r.6) . . . . . 404  
 Summons for directions: contributory's winding up petition (O.102, r.6A) . . . . . 405  
 Inquiry as to debts: company to make list of creditors (O.102, r.7) . . . . . 405  
 Inspection of list of creditors (O.102, r.8) . . . . . 406  
 Notice to creditors (O.102, r.9) . . . . . 406  
 Advertisement of petition and list of creditors (O.102, r.10) . . . . . 407  
 Affidavit as to claims made by creditors (O.102, r.11) . . . . . 407  
 Adjudication of disputed claims (O.102, r.12) . . . . . 408  
 Certifying lists of creditors entitled to object to reduction (O.102, r.13) . . . . . 408  
 Evidence of consent of creditor (O.102, r.14) . . . . . 409  
 Time, etc., of hearing of petition for confirmation of reduction (O.102, r.15) . . . . . 409  
 Service out of the jurisdiction without leave (O.102, r.16) . . . . . 409  
 Winding-Up Rules (O.102, r.17) . . . . . 409

**ORDER 103**

**THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) LAW (1995 REVISION)**

Definitions (O.103, r.1) . . . . . 410  
 Applications under Section 4 (O.103, r.2) . . . . . 410  
 Service of summons (O.103, r.3) . . . . . 410  
 Affidavit evidence (O.103, r.4) . . . . . 410  
 Filing and service of affidavits (O.103, r.5) . . . . . 411  
 Hearing of Section 4 applications (O.103, r.6) . . . . . 411

**ORDER 104 TO 112**

**NO ORDERS**

**ORDER 113**

**SUMMARY PROCEEDINGS FOR POSSESSION OF LAND**

Proceedings to be brought by originating summons (O.113, r.1) . . . . .	413
No rule (O.113, r.1A) . . . . .	413
Forms of originating summons (O.113, r.2) . . . . .	413
Affidavit in support (O.113, r.3) . . . . .	413
Service of originating summons (O.113, r.4) . . . . .	413
Application by occupier to be made a party (O.113, r.5) . . . . .	414
Order for possession (O.113, r.6) . . . . .	414
Writ of possession (O.113, r.7) . . . . .	415
Setting aside order (O.113, r.8) . . . . .	415

**ORDER 1****CITATION, APPLICATION, COMMENCEMENT, INTERPRETATION AND FORMS****Citation (O.1, r.1)**

- 1.- (1) These Rules may be cited as the Grand Court Rules, 1995.
- (2) An individual rule may be cited using the abbreviation "GCR".

**Application (O.1, r.2)**

2. - (1) Subject to the following provisions of this rule, these Rules shall apply in relation to all proceedings in the Court.
  - (2) Except for Part I of Order 52 (Committal), Order 53 (Applications for Judicial Review) and Order 103 (Confidential Relationships (Preservation) Law (1995 Revision)), these Rules shall not apply to any criminal proceedings.
  - (3) These Rules shall not apply to any application or proceedings governed by Parts I to III of the Succession Law (Probate and Administration) Rules 1977, as amended.
  - (4) Except for Orders 3 (Time), 38 Part II (Writs of Subpoena), 39 (Evidence by Deposition), 67 (Change of Attorney), 45-51 (Enforcement) and 52 (Committal), these Rules shall not apply to any proceedings which are -
    - (a) governed by the Matrimonial Causes Rules 1986, as amended,
    - (b) governed by the Grand Court (Bankruptcy) Rules 1977, as amended, or
    - (c) on appeal from civil proceedings in the Summary Court.
  - (5) These Rules shall not apply to any proceedings under Part V of The Companies Law (Revised).
  - (6) Notwithstanding the provisions of paragraphs (2) to (5) of this rule -
    - (a) Order 38 shall apply to every civil proceeding except -
      - (i) a proceeding under Part V of the Companies Law (Revised); and
      - (ii) any appeal from civil proceedings in the Summary Court;

- (b) every affidavit or other document filed in the Court office shall comply with the requirements of Orders 41 and 66;
- (c) every judgment and order made by the Court shall comply with the requirements of Order 42;
- (d) except in the case of petitions in proceedings governed by the Matrimonial Causes Rules 1986, as amended, every originating process or other document required to be served by these Rules or any other rules in connection with any civil proceedings shall be served in accordance with Orders 10 and 65;
- (e) Part I of Order 80 shall apply to every proceeding to which a person under disability is a party; and
- (f) every interlocutory summons issued by the Court, including summonses issued in proceedings governed by the Matrimonial Causes Rules 1986 and those issued in proceedings under Part V of the Companies Law (Revised), shall be endorsed in accordance with Order 32, rule 2(4), and Order 32, rules 2 to 8 shall apply to the hearing of such summonses.

(7) All funds required to be paid into or out of Court, whether by order of the Court of Appeal, the Court, the Summary Court or otherwise, in both criminal and civil proceedings, shall be lodged, paid, invested and dealt with in accordance with the provisions of Order 92.

### **Commencement and transitional provisions (O.1, r.3)**

3. - (1) These Rules shall come into operation on the 1st day of June, 1995, referred to in this Order as the "commencement date".

(2) These Rules shall apply to -

- (a) every proceeding commenced on or after the commencement date; and
- (b) every step taken or required to be taken after the commencement date in any proceeding pending on that date.

(3) No step taken or required to be taken before the commencement date shall be treated as a non-compliance with these Rules provided that it complied with the rules then in force.

(4) Order 6, rule 8 shall have no application to writs issued prior to the commencement date.

**Revocations (O.1, r.4)**

4. - The following rules are hereby revoked with effect from the commencement date -
- (a) the Grand Court (Civil Procedure) Rules 1976, as amended;
  - (b) the Grand Court (Admiralty) Rules 1977;
  - (c) the Grand Court (Forms and Miscellaneous) Rules 1976;
  - (d) the Civil Evidence Rules 1978;
  - (e) the Grand Court (Proceedings by and against the Crown) Rules 1977;
  - (f) Part IV of the Succession Law (Probate and Administration) Rules 1977, as amended;
  - (g) the Grand Court (Applications for Orders of Mandamus, Prohibition, Certiorari and Habeas Corpus) Rules 1977;
  - (h) the Grand Court (Foreign Process) Rules 1977; and
  - (i) the Grand Court (Foreign Judgments) (Reciprocal Enforcement) Rules 1977.

**Non application of English rules (O.1, r.5)**

5. - (1) Except as provided in Order 75, r.2, the Rules of the Supreme Court 1965 shall cease to have any application to -
- (a) every proceeding commenced on or after the commencement date; and
  - (b) any step taken or required to be taken after the commencement date in any proceeding pending on that date.

(2) Notwithstanding paragraph (1), The Supreme Court Practice may be relied upon where appropriate as an aid to the interpretation and application of these Rules.

**Application of Interpretation Law (1995 Revision) (O.1, r.6)**

6. - The Interpretation Law (1995 Revision) shall apply to the interpretation of these Rules as it applies to the interpretation of a Law.

**Definitions (O.1, r.7)**

7. - (1) In these Rules, unless the context otherwise requires -

"Accountant General" means the Accountant General of the Grand Court appointed under paragraph 1 of the First Schedule of the Judicature Law or an officer appointed by him under Order 92, rule 6;

"action" means any civil proceedings commenced by writ or in any other manner prescribed by rules of court;

"an action for personal injuries" means an action in which there is a claim for damages in respect of personal injuries to the plaintiff or any other person or in respect of a person's death, and "personal injuries" includes any disease and any impairment of a person's physical or mental condition;

"attorney" means a person admitted or otherwise entitled to practise as an attorney-at-law in the Cayman Islands either generally or in respect of a particular cause or matter;

"Bailiff" means the person appointed as such under Section 7(1) of the Grand Court Law (1995 Revision), and includes any assistant bailiffs;

"Chief Justice" means the Chief Justice of the Cayman Islands or any other Judge authorised to act as Chief Justice;

"Chief Marshall" means the person appointed as such by the Chief Justice and includes any deputies and assistants;

"Clerk of the Court" means the person appointed as such under Section 7(1) of the Grand Court Law (1995 Revision), and includes any deputies;

"the Court" means the Grand Court of the Cayman Islands constituted pursuant to Section 3 of the Grand Court Law (1995 Revision) whether sitting as the Grand Court or as the Chief Court of Bankruptcy or as a Colonial Court of Admiralty;

"Court Funds Office" means the office of the Accountant General or of an officer appointed by him under Order 92, rule 6;

"Court office" is the office established pursuant to Section 10 of the Grand Court Law (1995 Revision), as amended;

"Court file" means the file established in respect of every proceeding in accordance with Order 63, rule 2;

"Grand Court Law" means the Grand Court Law (1995 Revision) as amended from time to time;

"The Judicature Law" means The Judicature Law (1995 Revision), as amended from time to time;

"Judge" means any judge or acting judge of the Court;

"notice of intention to defend" means an acknowledgment of service containing a statement to the effect that the person by whom or on whose behalf it is signed intends to contest the proceedings to which the acknowledgment relates;

"originating summons" means every summons other than a summons in a pending cause or matter;

"pleading" does not include a petition, summons or preliminary act;

"prescribed fee" means the fee prescribed by the Grand Court Fees Rules 1995;

"practice form" means a form contained in a practice direction issued pursuant to Order 1, rule 12;

"prescribed form" means a form prescribed by these Rules and contained in the Appendices;

"prescribed rate" means the applicable rate of interest prescribed from time to time by the Rules Committee pursuant to Section 34 of The Judicature Law;

"probate action" has the meaning assigned by Order 76;

"proceedings" includes any cause or matter or a step in any cause or matter;

"receiver" includes a manager;

"Register of Judgments" means the file maintained in accordance with Order 63, rule 7;

"Register of Writs" means the file maintained in accordance with Order 63, rule 8;

"State Immunity Act 1978" means the United Kingdom State Immunity Act 1978 as applied to the Cayman Islands by the State Immunity (Overseas Territories) Order 1979 (SI 1979/458);

"writ" means a writ of summons.

(2) In these Rules, unless the context otherwise requires, "the Court" means the Grand Court or any one or more Judges thereof, whether sitting in open Court or in chambers.

(3) In these Rules, unless the context otherwise requires, a reference to acknowledging service of a document or giving notice of intention to defend any proceedings is a reference to lodging in the Court office an acknowledgment of service of that document or, as the case may be, a notice to defend those proceedings.

**Construction of references to orders, rules, etc. (O.1, r.8)**

8. - (1) Unless the context otherwise requires, any reference in these Rules to a specified Order, rule or Appendix is a reference to that Order or rule of, or Appendix to, these Rules and any reference to a specified rule, paragraph or subparagraph is a reference to that rule of the Order, that paragraph of the rule, or that subparagraph of the paragraph, in which the reference occurs.

(2) Any reference in these Rules to anything done under a rule of these Rules includes a reference to the same thing done before the commencement date under any corresponding rule of court ceasing to have effect on the commencement date.

(3) Except where the context otherwise requires, any reference in these Rules to any Law shall be construed as a reference to the Law as amended, extended or applied by or under any other Law.

**Construction of references to action, etc. for possession of land (O.1, r.9)**

9. - Except where the context otherwise requires, references in these Rules to an action or claim for the possession of land shall be construed as including references to proceedings against the Crown for an order declaring that the plaintiff is entitled as against the Crown to the land or to the possession thereof.

**Prescribed forms (O.1, r.10)**

10. - The forms in the Appendices shall be used where applicable with such variations as the circumstances of the particular case requires.

**Use of English Practice Forms as precedents (O.1, r.11)**

11. - The Queens Bench and Chancery Masters' Practice Forms contained in Part 2 of The Supreme Court Practice, as may be hereafter amended from time to time, are not incorporated in these Rules, but they shall be regarded as approved precedents to be used, with all necessary and appropriate variations, whenever possible.

**Practice directions (O.1, r.12)**

12. - (1) The Chief Justice may issue practice directions for the purpose of -
- (a) supplementing these Rules, provided that no practice direction shall revoke or vary any rule;
  - (b) establishing forms to be known as "practice forms" in respect of any matter in which no prescribed form is contained in Appendix I; and
  - (c) providing for the practice and procedure of the Court in respect of any matter not governed by these or any other rules.



(2) All practice directions issued by or with the authority of the Chief Justice and all practice notes issued by the Clerk of the Court are hereby revoked with effect from the commencement date.

(3) The Accountant General may, with the concurrence of the Chief Justice, issue practice directions for the purpose of supplementing the provisions of Order 92 and establish practice forms in respect of any matter relating to Order 92 for which no prescribed form is contained in Appendix II.

(4) All practice directions and practice forms issued pursuant to this rule shall be gazetted.

(5) Any practice direction or practice form issued pursuant to this rule may be varied or revoked by the Chief Justice in the case of those issued by him or by the Accountant General in the case of those issued by him.

(6) Any practice direction or practice form may be revoked by the Rules Committee.

the overall...  
all private...  
the overall...

private...  
establish...  
private...

general...

various...  
Account...

Company...

**ORDER 15****CAUSES OF ACTION, COUNTERCLAIMS AND PARTIES****Joinder of causes of action (O.15, r.1)**

1. - (1) Subject to rule 5(1), a plaintiff may in one action claim relief against the same defendant in respect of more than one cause of action -

- (a) if the plaintiff claims, and the defendant is alleged to be liable, in the same capacity in respect of all the causes of action; or
- (b) if the plaintiff claims or the defendant is alleged to be liable in the capacity of executor or administrator of an estate in respect of one or more of the causes of action and in his personal capacity but with reference to the same estate in respect of all the others; or
- (c) with the leave of the Court.

(2) An application for leave under this rule must be made ex parte by affidavit before the issue of the writ or originating summons, as the case may be, and the affidavit must state the grounds of the application.

**Counterclaim against plaintiff (O.15, r.2)**

2. - (1) Subject to rule 5(2), a defendant in any action who alleges that he has any claim or is entitled to any relief or remedy against a plaintiff in the action in respect of any matter (whenever and however arising) may, instead of bringing a separate action, make a counterclaim in respect of that matter, and where he does so he must add the counterclaim to his defence.

(2) Rule 1 shall apply in relation to a counterclaim as if the counterclaim were a separate action and as if the person making the counterclaim were the plaintiff and the person against whom it is made a defendant.

(3) A counterclaim may be proceeded with notwithstanding that judgment is given for the plaintiff in the action or that the action is stayed, discontinued or dismissed.

(4) Where a defendant establishes a counterclaim against the claim of the plaintiff and there is a balance in favour of one of the parties, the Court may give judgment for the balance, so, however, that the provision shall not be taken as affecting the Court's discretion with respect to costs.

### Counterclaim against additional parties (O.15, r.3)

3. - (1) Where a defendant to an action who makes a counterclaim against the plaintiff alleges that any other person (whether or not a party to the action) is liable to him along with the plaintiff in respect of the subject matter of the counterclaim, or claims against such other person any relief relating to or connected with the original subject matter of the action, then, subject to rule 5(2) he may join that other person as a party against whom the counterclaim is made.

(2) Where a defendant joins a person as a party against whom he makes a counterclaim, he must add that person's name to the title of the action and serve on him a copy of the counterclaim and, in the case of a person who is not already a party to the action, a form of acknowledgment of service in Form No. 8 of Appendix I with such modification as the circumstances may require; and a person on whom a copy of a counterclaim is served under this paragraph shall, if he is not already a party to the action, become a party to it as from the time of service with the same rights in respect of his defence to the counterclaim and otherwise as if he had been duly sued in the ordinary way by the party making the counterclaim.

(3) A defendant who is required by paragraph (2) to serve a copy of the counterclaim made by him on any person who before service is already a party to the action must do so within the period within which, by virtue of Order 18, rule 2, he must serve on the plaintiff the defence to which the counterclaim is added.

(4) Where by virtue of paragraph (2) a copy of a counterclaim is required to be served on a person who is not already a party to the action, the following provisions of these Rules, namely, Order 5, rule 1, Orders 10 to 13 and Order 75, rule 4, shall, subject to the last foregoing paragraph, apply in relation to the counterclaim and the proceedings arising from it as if -

- (a) the counterclaim were a writ and the proceedings arising from it an action; and
- (b) the party making the counterclaim were a plaintiff and the party against whom it is made a defendant in that action.

(5A) Where by virtue of paragraph (2) a copy of a counterclaim is required to be served on any person other than the plaintiff who, before service is already a party to the action, the provisions of Order 14, rule 5, shall apply in relation to the counterclaim and the proceedings arising therefrom, as if the party against the counterclaim is made were the plaintiff in the action.

(6) A copy of a counterclaim required to be served on a person who is not already a party to the action must be indorsed with a notice in Form No. 10 of Appendix I addressed to that person.

**Joinder of parties (O.15, r.4)**

4. - (1) Subject to rule 5(1) two or more persons may be joined together in one action as plaintiffs or as defendants with the leave of the Court or where -
- (a) if separate actions were brought by or against each of them, as the case may be, some common question of law of fact would arise in all the actions; and
  - (b) all rights to relief claimed in the action (whether they are joint, several or alternative) are in respect of or arise out of the same transaction or series of transactions.

(2) Where the plaintiff in any action claims any relief to which any other person is entitled jointly with him, all persons so entitled must, subject to the provisions of any Law and unless the Court gives leave to the contrary, be parties to the action and any of them who do not consent to being joined as a plaintiff must, subject to any order made by the Court on an application for leave under this paragraph, be made a defendant. This paragraph shall not apply to a probate action.

**Court may order separate trials, etc. (O.15, r.5)**

5. - (1) If claims in respect of two or more causes of action are included by a plaintiff in the same action or by a defendant in a counterclaim, or if two or more plaintiffs or defendants are parties to the same action, and it appears to the Court that the joinder of causes of action or of parties, as the case may be, may embarrass or delay the trial or is otherwise inconvenient, the Court may order separate trials or make such other order as may be expedient.

(2) If it appears on the application of any party against whom a counterclaim is made that the subject matter of the counterclaim ought for any reason to be disposed of by a separate action, the Court may order the counterclaim to be struck out or may order it to be tried separately or may make such other order as may be expedient.

**Misjoinder and nonjoinder of parties (O.15, r.6)**

6. - (1) No cause or matter shall be defeated by reason of the misjoinder or nonjoinder of any party; and the Court may in any cause or matter determine the issues or questions in dispute so far as they affect the rights and interest of the persons who are parties to the cause or matter.

(2) Subject to the provisions of this rule, at any stage of the proceedings in any cause or matter the Court may on such terms as it thinks just and either of its own motion or on application -

- (a) order any person who has been improperly or unnecessarily made a party or who has for any reason ceased to be a proper or necessary party, to cease to be a party;
- (b) order any of the following persons to be added as a party, namely -
  - (i) any person who ought to have been joined as a party or whose presence before the Court is necessary to ensure that all matters in dispute in the cause or matter may be effectually and completely determined and adjudicated upon; or
  - (ii) any person between whom and any party to the cause or matter there may exist a question or issue arising out of or relating to or connected with any relief or remedy claimed in the cause or matter which in the opinion of the Court it would be just and convenient to determine as between him and that party as well as between the parties to the cause or matter.

(3) An application by any person for an order under paragraph (2) adding him as a party must, except with the leave of the Court, be supported by an affidavit showing his interest in the matters in dispute in the cause or matter or, as the case may be, the question or issue to be determined as between him and any party to the cause or matter.

(4) No person shall be added as a plaintiff without his consent signified in writing or in such other manner as may be authorised.

(5) No person shall be added or substituted as a party after the expiry of any relevant statutory period of limitation unless either -

- (a) the relevant period was current at the date when proceedings were commenced and it is necessary for the determination of the action that the new party should be added, or substituted; or
- (b) the relevant period arises under the provisions of Section 13 or 16 of the Limitation Law 1991 and the Court directs that those provisions should not apply to the action by or against the new party.

In this paragraph "any relevant period of limitation" means a time limit under the Limitation Law 1991.

(6) The addition or substitution of a new party shall be treated as necessary for the purposes of paragraph (5) if, and only if, the Court is satisfied that -

- (a) the new party is a necessary party to the action in that property is vested in him at law or in equity and the plaintiff's claim in

respect of an equitable interest in that property is liable to be defeated unless the new party is joined; or

- (b) the relevant cause of action is vested in the new party and the plaintiff jointly but not severally; or
- (c) the new party is the Attorney General and the proceedings should have been brought by relator proceedings in his name; or
- (d) the new party is a company in which the plaintiff is a shareholder and on whose behalf the plaintiff is suing to enforce a right vested in the company; or
- (e) the new party is sued jointly with the defendant and is not also liable severally with him and failure to join the new party might render the claim unenforceable.

**Proceedings against estates (O.15, r.6A)**

**6A. -** (1) Where any person against whom an action would have lain has died but the cause of action survives, the action may, if no grant of probate or administration has been made, be brought against the estate of the deceased.

(2) Without prejudice to the generality of paragraph (1), an action brought against "the personal representatives of A.B. deceased" shall be treated, for the purpose of that paragraph, as having been brought against his estate.

(3) An action purporting to have been commenced against a person shall be treated, if he was dead at its commencement, as having been commenced against his estate in accordance with paragraph (1) whether or not a grant of probate or administration was made before its commencement.

(4) In any such action as is referred to in paragraph (1) or (3) -

- (a) the plaintiff shall, during the period of validity for service of the writ or originating summons, apply to the Court for an order appointing a person to represent the deceased's estate for the purpose of the proceedings or, if a grant of probate or administration has been made, for an order that the personal representative of the deceased be made a party to the proceedings, and in either case for an order that the proceedings be carried on against the person appointed or, as the case may be, against the personal representative, as if he had been substituted for the estate;
- (b) the Court may, at any stage of the proceedings and on such terms as it thinks just and either of its own motion or on application, make any such order as is mentioned in subparagraph (a) and

allow such amendments (if any) to be made and make such other order as the Court thinks necessary in order to ensure that all matters in dispute in the proceedings may be effectually and completely determined and adjudicated upon.

(5) Before making an order under paragraph (4) the Court may require notice to be given to any insurer of the deceased who has an interest in the proceedings and to such (if any) of the persons having an interest in the estate as it thinks fit.

(6) Where an order is made under paragraph (4), rules 7(4) and 8(3) and (4) shall apply as if the order had been made under rule 7 on the application of the plaintiff.

(7) Where no grant of probate or administration has been made, any judgment or order given or made in the proceedings shall bind the estate to the same extent as it would have been bound if a grant had been made and a personal representative of the deceased had been a party to the proceedings.

#### **Change of parties by reason of death, etc. (O.15, r.7)**

7. - (1) Where a party to an action dies or becomes bankrupt but the cause of action survives, the action shall not abate by reason of the death or bankruptcy.

(2) Where at any stage of the proceedings in any cause or matter the interest or liability of any party is assigned or transmitted to or devolves upon some other person, the Court may, if it thinks it necessary in order to ensure that all matters in dispute in the cause or matter may be effectually and completely determined and adjudicated upon, order that other person to be made a party to the cause or matter and the proceedings to be carried on as if he had been substituted for the first mentioned party.

An application for an order under this paragraph may be ex parte.

(3) An order may be made under this rule for a person to be made a party to a cause or matter notwithstanding that he is already a party to it on the other side of the record, or on the same side but in different capacity; but -

- (a) if he is already a party on the other side, the order shall be treated as containing a direction that he shall cease to be a party on that other side; and
- (b) if he is already a party on the same side but in another capacity, the order may contain a direction that he shall cease to be a party in that other capacity.

(4) The person on whose application an order is made under this rule must procure the order to be filed in the Register of Writs, and after the order has been filed that person must, unless the Court otherwise directs, serve the order on every other person who is a party to the cause or matter or who becomes or ceases to be a party by virtue of the order and serve with the order on any person who becomes a defendant a copy of the writ or originating summons by which the cause or matter was begun and a



form of acknowledgment of service in Form No. 8 or Form No. 9 of Appendix I, whichever is appropriate.

Any application to the Court by a person served with an order made ex parte under this rule for the discharge or variation of the order must be made within 14 days after the service of the order on that person.

**Provisions consequential on making of order under rule 6 or 7 (O.15, r.8)**

8. - (1) Where an order is made under rule 6 the writ by which the action in question was begun must be amended accordingly and must be indorsed with -

- (a) a reference to the order in pursuance of which the amendment is made; and
- (b) the date on which the amendment is made,

and the amendment must be made within such period as may be specified in the order or, if no period is so specified, within 14 days after the making of the order.

(2) Where by an order under rule 6 a person is to be made a defendant, the rules as to service of a writ shall apply accordingly to service of the amended writ on him, but before serving the writ on him the person on whose application the order was made must procure the order to be filed in the Register of Writs.

(3) Where by an order under rule 6 or 7 a person is to be made a defendant the rules as to acknowledgment of service shall apply accordingly to acknowledgment of service by him subject, in the case of a person to be made a defendant by an order under rule 7, to the modification that the time limited for acknowledging service shall begin with the date on which the order is served on him under rule 7(4) or, if the order is not required to be served on him, with the date on which the order is to be filed in the Register of Writs.

(4) Where by an order under rule 6 or 7 a person is to be added as a party or is to be made a party in substitution for some other party, that person shall not become a party until -

- (a) where the order is made under rule 6, the writ has been amended in relation to him under this rule and (if he is a defendant) has been served on him; or
- (b) where the order is made under rule 7, the order has been served on him under rule 7(4) or, if the order is not required to be served on him, the order has been filed in the Register of Writs,

and where by virtue of the foregoing provision a person becomes a party in substitution for some other party, all things done in the course of the proceedings before the making

of the order shall have effect in relation to the new party as they had in relation to the old, except that acknowledgment of service by the old party shall not dispense with acknowledgment of service by the new.

(5) The foregoing provisions of this rule shall apply in relation to an action begun by originating summons as they apply in relation to an action begun by writ.

**Failure to proceed after death of party (O.15, r.9)**

9. - (1) If after the death of a plaintiff or defendant in any action the cause of action survives, but no order under rule 7 is made substituting as plaintiff any person in whom the cause of action vests or, as the case may be, the personal representatives of the deceased defendant, the defendant or, as the case may be, those representatives may apply to the Court for an order that unless the action is proceeded with within such time as may be specified in the order the action shall be struck out as against the plaintiff or the defendant, as the case may be, who has died; but where it is the plaintiff who has died the Court shall not make an order under this rule unless satisfied that due notice of the application has been given to the personal representatives (if any) of the deceased plaintiff and to any other interested persons who, in the opinion of the Court, should be notified.

(2) Where in any action a counterclaim is made by a defendant, this rule shall apply in relation to the counterclaim as if the counterclaim were a separate action and as if the defendant making the counterclaim were the plaintiff and the person against whom it is made a defendant.

**Actions for possession of land (O.15, r.10)**

10. - (1) Without prejudice to rule 6, the Court may at any stage of the proceedings in an action for possession of land order any person not a party to the action who is in possession of the land (whether in actual possession or by a tenant) to be added as a defendant.

(2) An application by any person for an order under this rule may be made ex parte, supported by an affidavit showing that he is in possession of the land in question and if by a tenant, naming him. The affidavit shall specify the applicant's address for service and Order 12, rule 3(2) and (3) shall apply as if the affidavit were an acknowledgment of service.

(3) A person added as a defendant by an order under this rule shall serve a copy of the order on the plaintiff giving the added defendant's address for service specified in accordance with paragraph (2).

**Actions in detinue, conversion or for trespass to goods (O.15, r.10A)**

10A.- (1) Where the plaintiff in an action in detinue, conversion or for trespass to goods is one of two or more persons having or claiming any interest in the goods, then, unless he has the written authority of every other such person to sue on the latter's behalf, the writ or originating summons by which the action was begun shall be indorsed with a

statement giving particulars of the plaintiff's title and identifying every other person who to his knowledge, has or claims any interest in the goods.

This paragraph shall not apply to an action arising out of an accident on land due to collision or apprehended collision involving a vehicle.

(2) A defendant to an action in detinue, conversion or for trespass to goods who desires to show that a third party has a better right than the plaintiff as respects all or any part of the interest claimed by the plaintiff may, at any time after giving notice of intention to defend, and before any judgment or order is given or made on the plaintiff's claim, apply for directions as to whether any person named in the application (not being a person whose written authority the plaintiff has to sue on his behalf) should be joined with a view to establishing whether he has a better right than the plaintiff, or has a claim as a result of which the defendant might be doubly liable.

(3) An application under paragraph (2) shall be made by summons, which shall be served personally on every person named in it as well as being served on the plaintiff.

(4) Where a person named in an application under paragraph (2) fails to appear on the hearing of the summons or to comply with any direction given by the Court on the application, the Court may by order deprive him of any right of action against the defendant for the wrong, either unconditionally or subject to such terms and conditions as the Court thinks fit.

#### **Relator actions (O.15, r.11)**

11. - Before the name of any person is used in any action as a relator, that person must give a written authorisation so to use his name to his attorney and the authorisation must be filed in the Court office.

#### **Representative proceedings (O.15, r.12)**

12. - (1) Where numerous persons have the same interest in any proceedings, not being such proceedings as are mentioned in rule 13, the proceedings may be begun, and, unless the Court otherwise orders, continued, by or against any one or more of them as representing all or as representing all except one or more of them.

(2) At any stage of proceedings under this rule the Court may, on the application of the plaintiff, and on such terms, if any, as it thinks fit, appoint any one or more of the defendants or other persons as representing whom the defendants are sued to represent all, or all except one or more, of those persons in the proceedings; and where in exercise of the power conferred by this paragraph, the Court appoints a person not named as a defendant, it shall make an order under rule 6 adding that person as a defendant.

(3) A judgment or order given in proceedings under this rule shall be binding on all the persons as representing whom the plaintiffs sue or, as the case may be, the

defendants are sued, but shall not be enforced against any person not a party to the proceedings except with the leave of the Court.

(4) An application for the grant of leave under paragraph (3) must be made by summons which must be served personally on the person against whom it is sought to enforce the judgment or order.

(5) Notwithstanding that a judgment or order to which any such application relates is binding on the person against whom the application is made, that person may dispute liability to have the judgment or order enforced against him on the ground that by reason of facts and matters particular to his case he is entitled to be exempted from such liability.

(6) The Court hearing an application for the grant of leave under paragraph (3) may order the question whether the judgment or order is enforceable against the person against whom the application is made to be tried and determined in any manner in which any issue or question in an action may be tried and determined.

**Representation of interested persons who cannot be ascertained, etc. (O.15, r.13)**

13. - (1) In any proceedings concerning -

- (a) the estate of a deceased person; or
- (b) property subject to a trust; or
- (c) the construction of a written instrument, including a Law,

the Court, if satisfied that it is expedient so to do, and that one or more of the conditions specified in paragraph (2) are satisfied, may appoint one or more persons to represent any person (including an unborn person) or class who is or may be interested (whether presently or for any future contingent or unascertained interest) in or affected by the proceedings.

(2) The conditions of the exercise of the power conferred by paragraph (1) are as follows -

- (a) that the person, the class or some member of the class, cannot be ascertained or cannot readily be ascertained;
- (b) that the person, class or some member of the class, though ascertained, cannot be found;
- (c) that, though the person or the class and the members thereof can be ascertained and found, it appears to the Court expedient (regard being had to all the circumstances, including the amount at stake and the degree of difficulty of the point to be determined) to exercise the power for the purpose of saving expense.

(3) Where in any proceedings to which paragraph (1) applies, the Court exercises the power conferred by that paragraph, a judgment or order of the Court given or made when the person or persons appointed in exercise of that power are before the Court shall be binding on the person or class represented by the person or persons so appointed.

(4) Where, in any such proceedings, a compromise is proposed and some of the persons who are interested in, or who may be affected by, the compromise are not parties to the proceedings (including unborn or unascertained persons) but -

- (a) there is some other person in the same interest before the Court who assents to the compromise or on whose behalf the Court sanctions the compromise; or
- (b) the absent persons are represented by a person appointed under paragraph (1) who so assents,

the Court, if satisfied that the compromise will be for the benefit of the absent persons and that it is expedient to exercise this power, may approve the compromise and order that it shall be binding on the absent persons, and they shall be bound accordingly except where the order has been obtained by fraud or non-disclosure of material facts.

#### **Notice of proceedings to non-parties (O.15, r.13A)**

**13A.-** (1) At any stage in any proceeding to which this rule applies, the Court may, on the application of any party or of its own motion, direct that notice of the proceeding be served on any person who is not a party thereto but who will or may be affected by any judgment given therein.

(2) An application under this rule may be made ex parte and shall be supported by an affidavit stating the grounds of the application.

(3) Every notice of any proceeding under this rule shall be in Form No. 11 of Appendix I and accompanied by a copy of the originating summons or writ and a form of acknowledgment of service in Form No. 8 or Form No. 9 of Appendix I with such modifications as may be appropriate.

(4) A person may, within 14 days of service on him of a notice under this rule, acknowledge service of the writ or originating summons and shall thereupon become a party to the proceedings, but in default of such acknowledgment and subject to paragraph (5) shall be bound by any judgment given in the proceedings as if he were a party thereto.

(5) If at any time after service of such notice on any person the writ or originating summons is amended so as substantially to alter the relief claimed the Court may direct that the judgment shall not bind such person unless a further notice together with a copy of the amended writ or originating summons is served on him under this rule.

(6) This rule applies to any proceeding relating to -

- (a) the estate of a deceased person; or
- (b) property subject to a trust.

**Representation of beneficiaries by trustees, etc. (O.15, r.14)**

14. - (1) Any proceedings, including proceedings to enforce a security by foreclosure or otherwise, may be brought by or against trustees, executors or administrators in their capacity as such without joining any of the persons having a beneficial interest in the trust or estate, as the case may be; and any judgment or order given or made in those proceedings shall be binding on those persons unless the Court in the same or other proceedings otherwise orders on the ground that the trustees, executors or administrators, as the case may be, could not or did not in fact represent the interests of those persons in the first-mentioned proceedings.

(2) Paragraph (1) is without prejudice to the power of the Court to order any person having such an interest as aforesaid to be made a party to the proceedings or to make an order under rule 13.

**Representation of deceased person interested in proceedings (O.15, r.15)**

15. - (1) Where in any proceedings it appears to the Court that a deceased person was interested in the matter in question in the proceedings and that he has no estate representative, the Court may, on the application of any party to the proceedings, proceed in the absence of a person representing the estate of the deceased person or may by order appoint a person to represent that estate for the purposes of the proceedings; and any such order, and any judgment or order subsequently given or made in the proceedings, shall bind the estate of the deceased to the same extent as it would have been bound had an estate representative of that person been a party to the proceedings.

(2) Before making an order under this rule, the Court may require notice of the application for the order to be given to such (if any) of the persons having an interest in the estate as it thinks fit.

**Declaratory judgment (O.15, r.16)**

16. - No action or other proceeding shall be open to objection on the ground that a merely declaratory judgment or order is sought thereby, and the Court may make binding declarations of right whether or not any consequential relief is or could be claimed.

**Conduct of proceedings (O.15, r.17)**

17. - The Court may give the conduct of any action, inquiry or other proceedings to such person as it thinks fit.

## ORDER 102

## APPLICATIONS PURSUANT TO THE COMPANIES LAW (1995 REVISION)

**Definitions (O.102, r.1)**

1. - In this order "the Law" means The Companies Law (1995 Revision) and a "registrant" has the meaning ascribed to it by Section 218(1) of the Law.

**Applications to be made by originating summons (O.102, r.2)**

2. - (1) The following applications under the Law must be made by originating summons, namely -

- (a) under Section 43 of the Law, for an order to inspect the register of members of a company;
- (b) under Section 45 of the Law, for an order for rectification of the register of members of a company;
- (c) under Section 53 of the Law, for an order for inspection of a company's register of mortgages and charges;
- (d) under Section 85(1) of the Law, for an order convening meetings or class meetings of members or creditors for the purposes of considering a proposed compromise or arrangement with a company;
- (e) under Section 177 of the Law, for an order for the restoration of a company to the register of companies, including any related application for a winding up order;
- (f) under Section 220 of the Law, for an order approving changes to the charter documents of a registrant;
- (g) any other application under the Law not specifically provided for in this rule or rules 3 and 4.

(2) An originating summons under this rule shall be in Form No. 3 of Appendix I except for applications referred to in subparagraphs (1)(a), (c) and (d) which may be made ex parte in Form No. 4 of Appendix I.

(3) All applications of the kind referred to in subparagraphs (1)(e) and (f) shall be served upon the Registrar of Companies.

**Applications to be made by originating motion (O.102, r.3)**

3. - The following applications under the Law must be made by originating motion, namely -
- (a) under Section 63 of the Law, for an order for the appointment of inspectors in respect of a company;
  - (b) under Section 87 of the Law, for an order empowering the compulsory acquisition of shares of dissentient members of a company.

**Applications to be made by petition (O.102, r.4)**

4. - The following applications under the Law must be made by petition, namely -
- (a) under Section 14 of the Law, for an order confirming a resolution for reducing the share capital of a company;
  - (b) under Section 34 of the Law, for an order sanctioning the issue by a company of shares at a discount;
  - (c) under Section 85(2) of the Law for an order sanctioning a compromise or arrangement between a company and its creditors or members or any class of them;
  - (d) under Section 93 of the Law, for an order that a company be wound up.

**Entitlement of proceedings (O.102, r.5)**

5. - Every originating summons, notice of originating motion and petition by which any such proceedings are begun and all affidavits, notices and other documents in those proceedings must be entitled in the matter of the company in question and in the matter of The Companies Law (1995 Revision).

**Summons for directions (O.102, r.6)**

6. - (1) Upon the issue of a petition by which any such application as is mentioned in rule 4(a) or (b) is made, the petitioner must at the same time take out a summons for directions under this rule.

(2) A summons for directions under this rule and the petition to which it relates must be served on the company at the same time.



(3) On the hearing of the summons, the Court may by order give such directions as to the proceedings to be taken before the hearing of the petition as it thinks fit including, in particular, directions for the publication of notices and the making of any inquiry.

(4) Where the application made by the petition is to confirm a reduction of the share capital of a company, then, without prejudice to the generality of paragraph (2) the Court may give directions under Section 14 of the Law -

- (a) for an inquiry to be made as to the debts of, and claims against, the company or as to any class or classes of such debts or claims;
- (b) as to the proceedings to be taken for settling the list of creditors entitled to object to the reduction and fixing the date by reference to which the list is to be made; and
- (c) the power of the Court under Section 14(3) of the Law to direct that Section 14(2) thereof shall not apply as regards any class of creditors may be exercised on any hearing of the summons.

(5) Rules 6 to 11 shall have effect subject to any directions given by the Court under this rule.

**Summons for directions: contributory's winding up petition (O.102, r.6A)**

6A. - (1) Upon the issue of a petition by a contributory seeking an order that a company be wound up on the grounds contained in Section 93(d) of the Law, the petitioner must at the same time take out a summons for directions in respect of the matters contained in Rule 4.23(a) to (e) of the Insolvency Rules 1986 (S.I. 1986/1925).

(2) A summons for directions under this rule and the petition to which it relates must be served on the company at the same time.

**Inquiry as to debts: company to make list of creditors (O.102, r.7)**

7. - (1) Where under rule 6 the Court orders such an inquiry as is mentioned in paragraph (3) thereof, the company in question must, within 7 days after the making of the order, file in Court an affidavit made by an officer of the company competent to make it, verifying a list containing -

- (a) the name and address of every creditor entitled to any debt or claim to which the inquiry extends;

- (b) the amount due to each creditor in respect of such debt or claim or, in the case of a debt or claim which is subject to any contingency or sounds only in damages or for some other reason does not bear a certain value, a just estimate of the value thereof; and
- (c) the total of those amounts and values.

(2) The deponent must state in the affidavit his belief that at the date fixed by the Court as the date by reference to which the list is to be made there is no debt or claim which, if that date were the commencement of the winding up of the company, would be admissible in proof against the company, other than the debts or claims set out in the list and any debts or claims to which the inquiry does not extend, and must also state his means of knowledge of the matters deposed to.

#### **Inspection of list of creditors (O.102, r.8)**

- 8. - (1) Copies of the list made under rule 7 with the omission, unless the Court otherwise directs, of the amount due to each creditor and the estimated value of any debt or claim to which any creditor is entitled, shall be kept at the registered office of the company and at the office of that company's attorneys, if any.
- (2) Any person shall be entitled during ordinary business hours to inspect the said list at any such office and to take extracts therefrom or copies thereof.

#### **Notice to creditors (O.102, r.9)**

- 9. - Within 7 days after filing the affidavit required by rule 7 the company must send by post to each creditor named in the list exhibited to the affidavit, at his last known address, a notice stating -
  - (a) the amount of the reduction sought to be confirmed;
  - (b) the effect of the order directing an inquiry as to debts and claims;
  - (c) the amount or value specified in the list as due or estimated to be due to that creditor; and
  - (d) the time fixed by the Court within which, if he claims to be entitled to a larger amount, he must send particulars of his debt or claim and the name and address of his attorney, if any, to the company's attorney.

**Advertisement of petition and list of creditors (O.102, r.10)**

**10. -** After filing the affidavit required by rule 7 the company must insert in such newspapers and at such times as the Court directs, a notice stating -

- (a) the date of issue of the petition and the amount of reduction thereby sought to be confirmed;
- (b) the inquiry ordered by the Court under rule 6;
- (c) the places where the list of creditors may be inspected in accordance with rule 9; and
- (d) the time within which any creditor not named in the list who claims to be entitled to any debt or claim to which the inquiry extends must send his name and address, the name and address of his attorney, if any, and particulars of his debt or claim to the company's attorney.

**Affidavit as to claims made by creditors (O.102, r.11)**

**11. -** Within such time as the Court directs the company must file in Court an affidavit made by an officer of the company or other person competent to make it -

- (a) proving service of the notices mentioned in rule 9 and advertisement of the notice mentioned in rule 10;
- (b) verifying a list containing the names and addresses of the persons (if any) who in pursuance of such notice sent in particulars of debts or claims, specifying the amount of each debt or claim;
- (c) distinguishing in such list those debts or claims which are wholly, or as to any and what part thereof, admitted by the company, disputed by the company or alleged by the company to be outside the scope of the inquiry; and
- (d) stating which of the persons named in the list made under rule 7 and which of the persons in the list made under this rule, have been paid or consent to the reduction sought to be confirmed.

**Adjudication of disputed claims (O.102, r.12)**

12. - If the company contends that a person is not entitled to be entered in the list of creditors in respect of any debt or claim in respect of the full amount claimed by him in respect of any debt or claim, then, unless the company is willing to secure payment of that debt or claim by appropriating the full amount of the debt or claim, the company must, if the Court so directs, send to that person by post at his last known address a notice requiring him -

- (a) within such time as may be specified in the notice being not less than 4 clear days after service thereof, to file an affidavit proving his debt or claim or, as the case may be, so much thereof as is not admitted by the company; and
- (b) to attend the adjudication of his debt or claim at the place and time specified in the notice, being the time appointed by the Court for the adjudication of debts and claims.

**Certifying lists of creditors entitled to object to reduction (O.102, r.13)**

13. - The list of creditors entitled to object to such reduction as is mentioned in rule 6(3) as settled by the Court under Section 14(2) of the Law, shall be certified and filed and the Court's certificate shall -

- (a) specify the debts or claims (if any) disallowed by the Court;
- (b) distinguish the debts or claims (if any), the full amount of which is admitted by the company, the debts or claims (if any), the full amount of which, though not admitted by the company, the company is willing to appropriate, the debts or claims (if any), the amount of which has been fixed by adjudication of the Court under Section 14(2) of the Act and other debts or claims;
- (c) specify the amount of debts or claims, payment of which has been secured by appropriation under the said Section 14(2);
- (d) show which creditors consent to the reduction and the total amount of their debts or claims;
- (e) specify the creditors who sought to prove their debts or claims under rule 11 and state which of such debts or claims were allowed.

**Evidence of consent of creditor (O.102, r.14)**

14. - The consent of a creditor to such reduction as is mentioned in rule 6(3) may be proved in such manner as the Court thinks sufficient.

**Time, etc., of hearing of petition for confirmation of reduction (O.102, r.15)**

15. - (1) A petition for the confirmation of any such reduction as is mentioned in rule 6(3) shall not, where the Court has directed an inquiry pursuant to that rule, be heard before the expiration of at least 8 clear days after the filing of the certificate mentioned in rule 13.

(2) Before the hearing of such a petition, a notice specifying the day appointed for the hearing must be published at such times and in such newspapers as the Court may direct.

**Service out of the jurisdiction without leave (O.102, r.16)**

16. - Any originating summons, originating motion or petition issued pursuant to rule 2, 3 or 4 may be served out of the jurisdiction upon any shareholder, director or creditor of the company concerned without the leave of the Court.

**Winding-Up Rules (O.102, r.17)**

17. - Unless and until any rules are made under Section 173 of the Law, all applications to the Court made pursuant to Sections 48, 78 and Part V of the Law and all proceedings concerning or arising out of the liquidation of any company shall, so far as practicable, be made in accordance with The Insolvency Rules 1986 (SI 1986/1925), insofar as such rules are not inconsistent with the Law or such other rules as may be applied to the proceeding in question.

1947

1948

1949

1950

1951

1952

1953

1954

1955

1956

1957

1958

1959

1960

1961

1962

1963

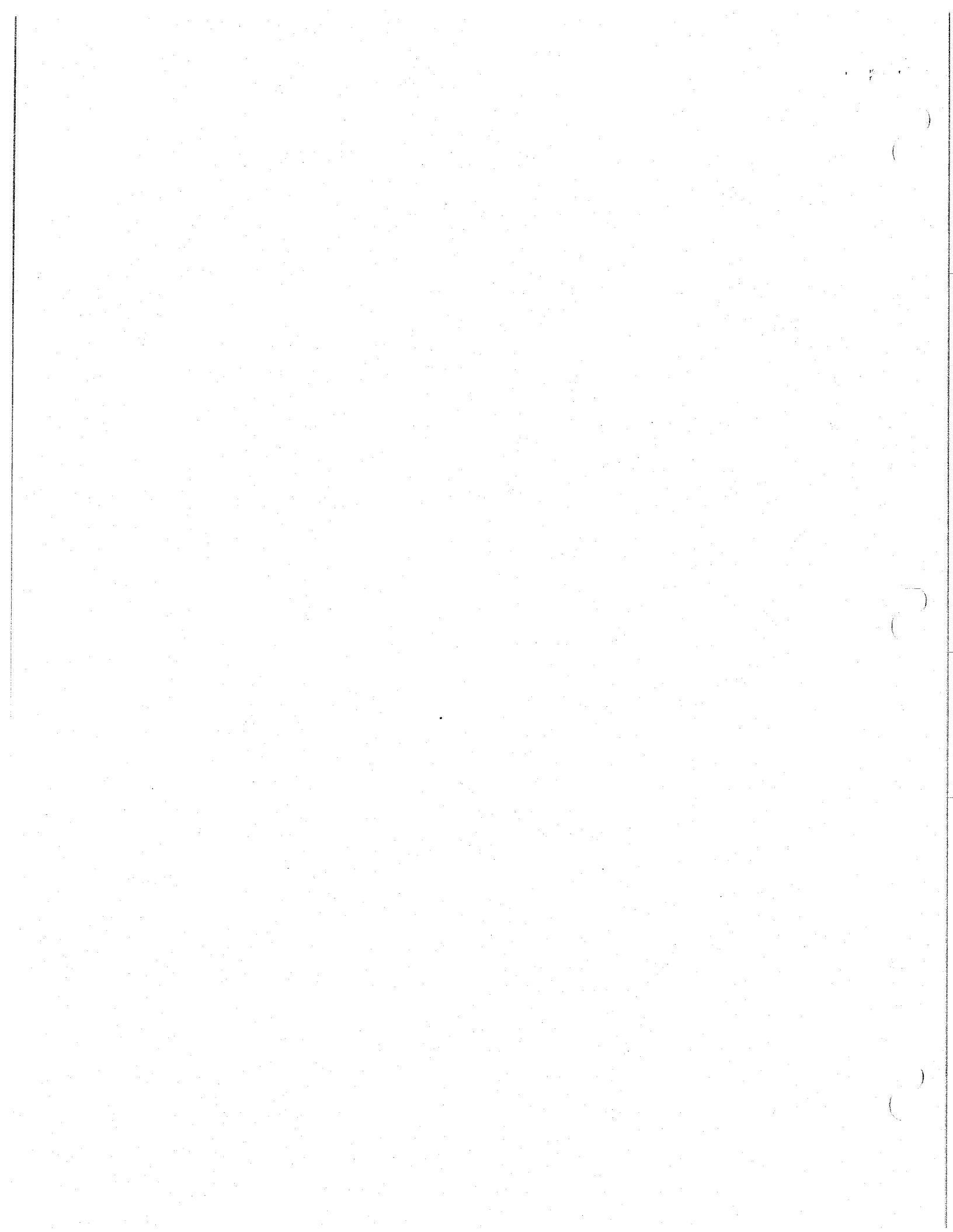
1964

1965

## **SCHEDULE 2**

### **INDEX**

<b>Appendix I</b>	<b>Prescribed forms - Index</b>
<b>Form No. 9</b>	<b>Acknowledgment of service of originating summons</b>
<b>Form No. 11</b>	<b>Notice of proceedings</b>
<b>Form No. 33</b>	<b>Charging order - notice to show cause</b>





## APPENDIX I

### PRESCRIBED FORMS (O.1, r.10)

#### GENERAL

#### INDEX

1.	Writ of summons	(O.6, r.1)
2.	Originating summons - general form	(O.7, r.2)
3.	Originating summons - expedited form	(O.7, r.2)
4.	Ex Parte originating summons	(O.7, r.2)
5.	Notice of appointment to hear originating summons	(O.7, r.2)
6.	Notice of originating motion	(O.8, r.3)
7.	Petition	(O.9, r.2)
8.	Acknowledgment of service of writ of summons	(O.12, r.3)
9.	Acknowledgment of service of originating summons	(O.10, r.5)
10.	Notice to be indorsed on copy of counterclaim	(O.15, r.3(6))
11.	Notice of proceedings	(O.15, r.13A)
12.	Third party notice claiming contribution or indemnity or other relief or remedy	(O.16)
13.	Third party notice where question or issue to be determined	(O.16)
14.	Notice of payment into court	(O.22, rr.1,2)
15.	Notice of acceptance of money paid into court	(O.22, r.3)
16.	List of documents	(O.24, r.5)
17.	Interlocutory summons	(O.32, r.2)
18.	Writ of subpoena	(O.38, r.14)
19.	Letter of request	(O.39, r.2)
20.	Application for default judgment	(O.42, r.6)
21.	Default judgment in action for liquidated damages	(O.13, r.1, O.19, r.2, O.42, r.1)
22.	Default interlocutory judgment for damages to be assessed	(O.13, r.2, O.19, r.3, O.42, r.1)
23.	Final judgment after assessment of damages, etc.	(O.42, r.1)
24.	Judgment for plaintiff under Order 14	(O.14, r.3, O.42, r.1)
24A.	Judgment for defendant under Order 14	(O.14, r.14)
25.	Judgment after trial before Judge without jury	(O.42, r.1)
26.	Writ of fieri facias	(O.45, r.12)
27.	Writ of fieri facias on order for costs	(O.45, r.12)
28.	Writ of possession	(O.45, r.12)
29.	Writ of sequestration	(O.45, r.12)
30.	Order for examination of judgment debtor or officer	(O.48, r.1)
31.	Garnishee order to show cause	(O.49, r.1)
32.	Garnishee order absolute	(O.49, rr.1,4)
33.	Charging order - notice to show cause	(O.50, r.1)

34.	Charging order - absolute	(O.50, r.3)
34A.	Stop notice	(O.50, r.11)
35.	Application for attachment of earnings order (judgment debt)	(O.50A, r.4)
36.	Statement of means	(O.50A, r.5; O.52, r.12)
37.	Notice to employer	(O.50A, r.6)
38.	Attachment of earnings order (judgment debt)	(O.50A, r.10(1))
39.	Notice of hearing (reconsideration)	(O.50A, r.7)
40.	Notice of hearing	(O.50A, r.7)
41.	Notice to show cause (failure to file statement of means)	(O.50A, r.8(1))
42.	Order to employer for production of statement of earnings	(O.50A, r.14(1))
43.	Notice to show cause (employer's failure to produce statement of earnings)	(O.50A, r.14)
44.	Application for attachment of earnings order (maintenance payments)	(O.50A, r. 16)
45.	Attachment of earnings order (maintenance order)	(O.50A, rr.10 & 16)
46.	Summons for consolidated attachment of earnings order	(O.50A, r.18)
47.	Consolidated attachment of earnings order	(O.50A, r.18)
48.	Notice of motion for committal (general)	(O.52, r.4)
49.	Warrant of committal	(O.52, r.10)
50.	Notice of motion for committal (non-payment of debt)	(O.52, r.12(3))
51.	Order for committal (non-payment of debt)	(O.52 r.15)
51A.	Suspended order for committal (non-payment of debt)	(O.52, r.15)
52.	Warrant of discharge	(O.52, r.16)
53.	Application for leave to apply for judicial review	(O.53, r.3)
54.	Notice of intention to renew application for judicial review	(O.53, r.3)
55.	Writ of habeus corpus ad subjiciendum	(O.54, r.10)
56.	Order under the Evidence (Proceedings in Other Jurisdictions) (Cayman Islands) Order 1978	(O.70, r.2)
57.	Originating application	(O.85, r.8(2))
58.	Election petition	(O.93, r.2)
59.	Ex parte originating summons - Section 3A Application	(O.103, r.2)
60.	Originating summons - summary possession	(O.113, 2)
61.	Summons for third party directions	(O.16, r.4)
62.	Order for third party directions	(O.16, r.4)
63.	Notice to fix a trial	(O.34, r.3)

**Acknowledgment of service of originating summons (O.10, r.5)**

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS**

The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

**Notes for Guidance**

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
4. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Originating Summons)".
5. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
6. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.

7. Where the Defendant is a **LIMITED COMPANY** the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a **MINOR** or a **MENTAL PATIENT**, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 19

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

---

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

---

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

yes

no

---

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.

**Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.**

**Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.**

No. 11

Notice of Proceedings (O.15, r.13A)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 19

[TITLE OF ACTION]

NOTICE OF PROCEEDINGS TO NON-PARTIES

**TAKE NOTICE THAT:**

- (1) A proceeding has been begun in the Grand Court in accordance with the [writ of summons] [originating summons] attached hereto.
- (2) You are or may be one of the persons who are interested in the [estate] [trust property] to which the proceeding relates.
- (3) *This notice provides you with the opportunity to become a party to the proceedings so that you may participate in them. If you wish to do so you should within 14 days after service of this notice acknowledge service of the [writ] [originating summons] by properly completing the attached acknowledgment of service and handing it in at, or sending it by post to, the Law Courts, George Town, Grand Cayman. If you do so, you will become a party to the proceedings.*
- (4) *If you do not acknowledge service of the [writ] [originating summons] you will be bound by any judgment given in the proceeding as if you were a party to it.*

Dated the      day of              19 .

---

[Signature]

TO:              *The Clerk of the Court*

AND TO:        *[name and address of person to whom notice is addressed]*

**IMPORTANT**

*Directions for acknowledgment of service are given with the accompanying form.*

*This Notice was filed by [name of Plaintiff or his Attorney], whose address is [state address within the jurisdiction], [Attorney for the Plaintiff].*

Amended 16th October, 1995

No. 33

**Charging order; notice to show cause (O.50, r.1)**

IN THE GRAND COURT OF THE CAYMAN ISLANDS

The Hon. Mr. Justice [state name]

CAUSE NO: OF 19

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

**CHARGING ORDER: NOTICE TO SHOW CAUSE**

UPON HEARING Counsel for the Plaintiff upon his motion dated [     ].

AND UPON reading the affidavit of [state deponent's name] filed herein the [date of filing] whereby it appears that by a judgment [or order] made on the day of 19 the Defendant was ordered to pay to the Plaintiff the sum of \$[state amount], of which \$[state amount] remains due and unpaid and that the Defendant has a beneficial interest in the asset specified in the schedule hereto:

**IT IS ORDERED** that unless sufficient cause to the contrary be shown at a hearing before the Grand Court on the day of 19, at o'clock, the Defendant's interest in the said asset shall, and it is ordered that in the meantime it do, stand charged with the payment of \$[state amount] due on the said judgment [or order] [and interest thereon at the statutory rate] together with the costs of this application.

Dated the     day of     19 .  
Filed the     day of     19 .

---

JUDGE OF THE GRAND COURT

**SCHEDULE**

[Describe with full particulars the relevant land, securities, funds or trust, stating, in relation to securities, their full title, the amount of them and the name in which they stand and whether the beneficial interest charged is in the securities only or in dividends or interest as well, and stating, in relation to funds in Court, the number of the account].

**[NOTE - In the case of land Form RL9A must be completed, signed by the Judge and filed in the Land Registry.]**

This Order was filed by [name of Plaintiff or his Attorney] whose address for service is [state address within the jurisdiction] [Attorney for the Plaintiff]

Amended 16th October, 1995

(Price \$16.00)