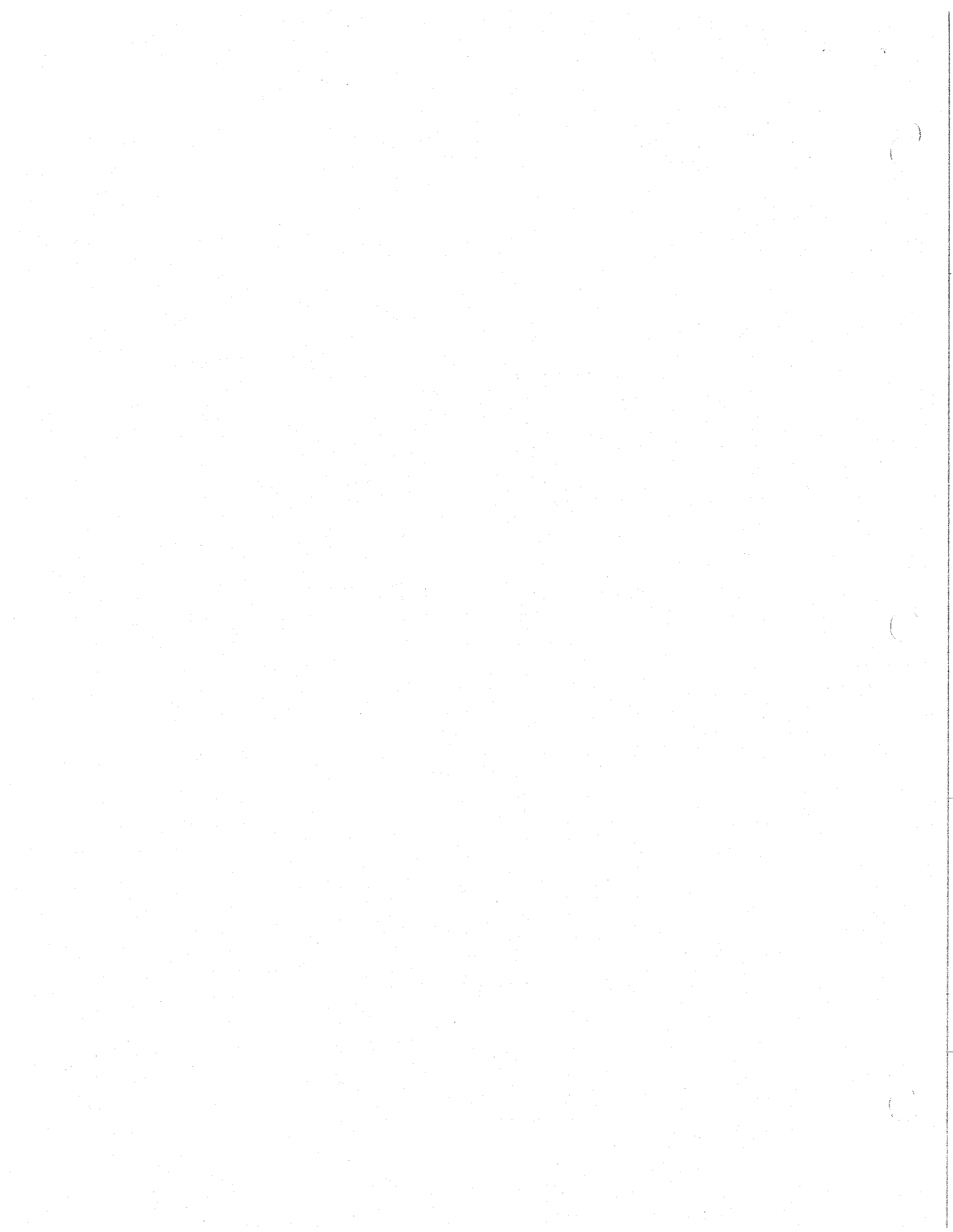


CAYMAN ISLANDS



Supplement No 3 published with Gazette No 10 dated  
14 May, 1997.

**THE GRAND COURT (AMENDMENT) RULES 1997.**



**THE GRAND COURT LAW (1995 REVISION)**  
**THE GRAND COURT (AMENDMENT) RULES 1997**

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 1997.

(2) (a) These Rules shall come into operation on the 1st day of June, 1997, 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. Addition of Forms 64 and 65**

Appendix I to the Rules is hereby amended by adding the forms contained in Schedule 1 hereto.

MADE by the Rules Committee on the 9th day of April, 1997.

The Hon. George Harre,  
Chief Justice

The Hon. Richard Coles  
Attorney General

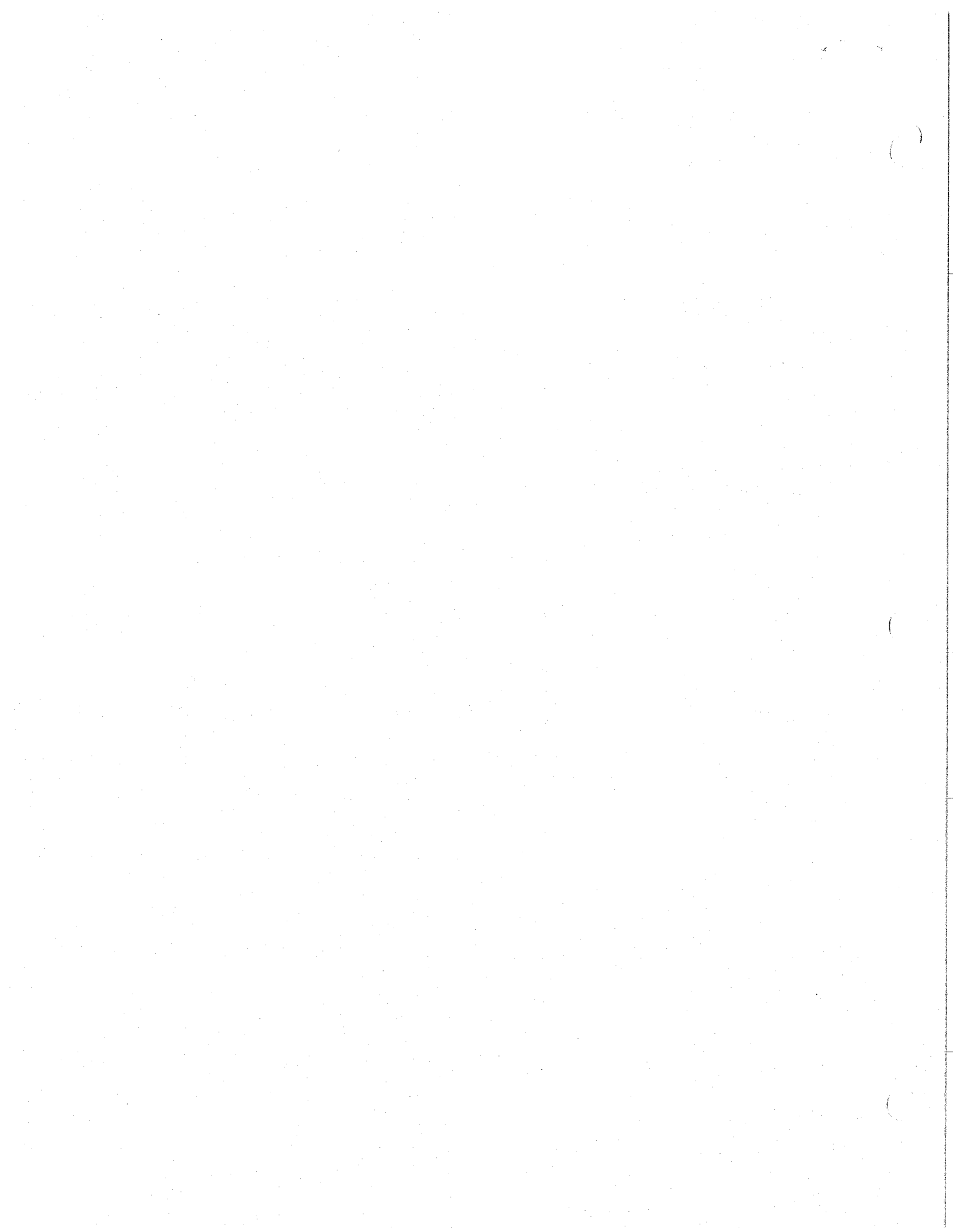
Andrew J. Jones, Esq.  
Legal Practitioner

Alden M. McLaughlin, Esq.  
Legal Practitioner



### **Explanatory Note**

1. These Rules introduce new prescribed forms for mareva injunctions. These forms are based upon those currently used in England and Wales.
2. Subscribers to the Gazette should substitute the new index to Appendix I and add the new forms to their binders.



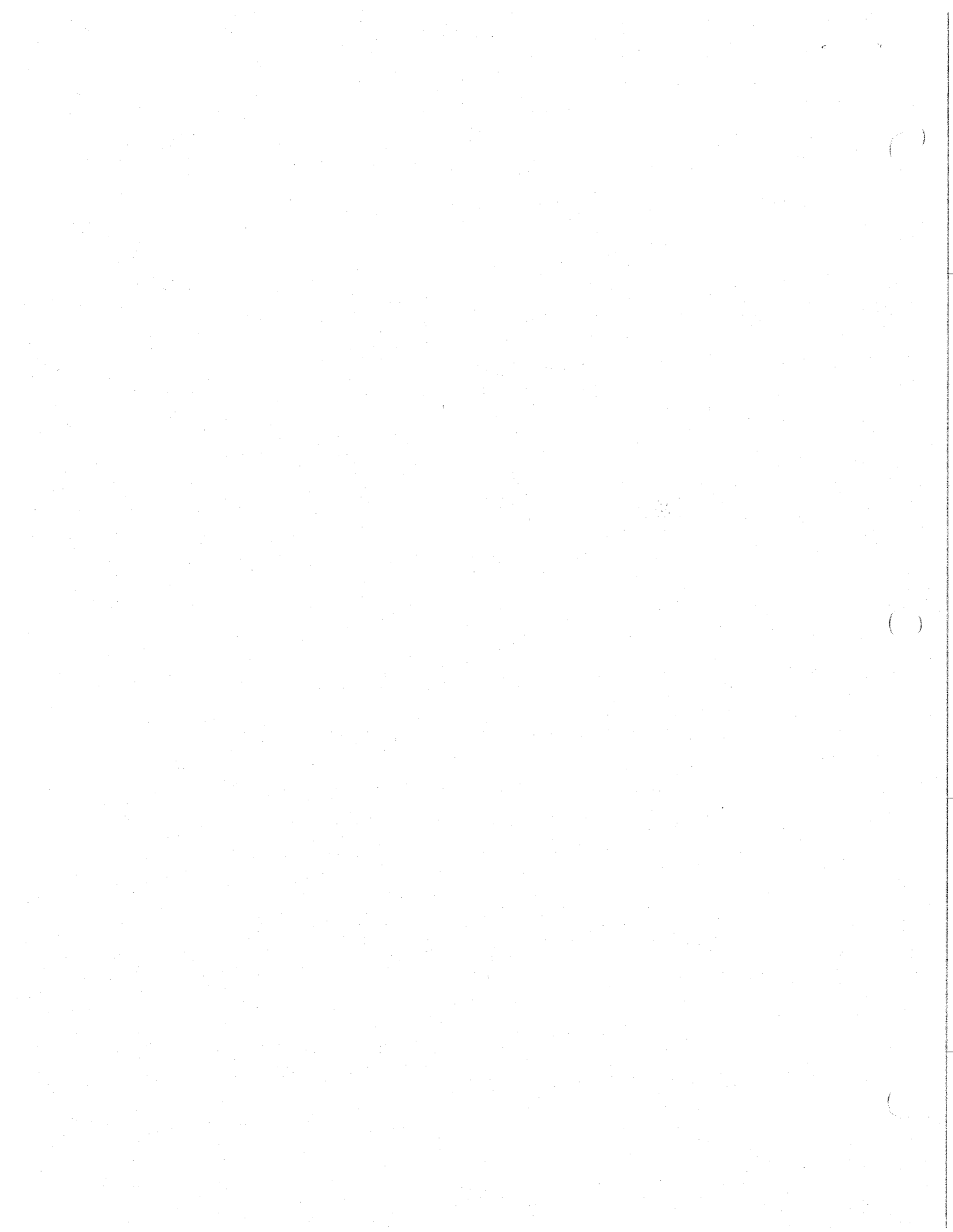
## **SCHEDULE 1**

### **Index**

#### **Index of Prescribed Forms**

**Form 64      Injunction Prohibiting Disposal of Assets in the Cayman Islands**

**Form 65      Injunction Prohibiting Disposal of Assets Worldwide**





## APPENDIX I

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

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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)
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23.	Final judgment after assessment of damages, etc.	(O.42, r.1)
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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)
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33.	Charging order - notice to show cause	(O.50, r.1)
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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)
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39.	Notice of hearing (reconsideration)	(O.50A, r.7)
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No. 64

**Mareva Injunction (O.29,r.1)**

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 19

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

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**INJUNCTION PROHIBITING  
DISPOSAL OF ASSETS IN THE CAYMAN ISLANDS**

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**IMPORTANT:**

**NOTICE TO THE DEFENDANT**

- (1) This Order prohibits you from dealing with your assets up to the amount stated. The Order is subject to the exceptions at the end of the Order. You should read it all carefully. You are advised to consult an attorney as soon as possible. You have a right to ask the Court to vary or discharge this Order.
- (2) If you disobey this Order you will be guilty of contempt of Court and may be [sent to prison or] fined or your assets may be seized.

\*Delete the words "sent to prison" in the case of a corporate Defendant. This notice is not a substitute for the indorsement of a penal notice.

**THE ORDER**

An application was made today [date] by Counsel for [name], the Plaintiff to Mr. Justice [ ]. Upon hearing Counsel for the Plaintiff and Counsel for the Defendant, Mr. Justice [ ] heard the application and read the affidavits listed in Schedule 2 at the end of this Order.

As a result of the application IT IS ORDERED that:

**1. DISPOSAL OF ASSETS**

- (1) The Defendant must not remove from the Cayman Islands or in any way dispose of or deal with or diminish the value of any of his assets which are in the Cayman

Islands whether in his own name or not and whether solely or jointly owned up to the value of \$[        ]. This prohibition includes the following assets in particular:

- (a) the property as [                      ] or the net sale money after payment of any mortgages or charges if it has been sold;

*[If the injunction is intended to relate to land, it should specify the registered title number and application should normally be made for an inhibition under the Registered Land Law.]*

- (b) the property and assets of the Defendant's business known as [                      ] (or carried on at [                      ]) or the sale money if any of them have been sold; and

- (c) any money in the accounts numbered [                      ] at [                      ].

- (2) If the total unincumbered value of the Defendant's assets in the Cayman Islands exceeds \$[        ] the Defendant may remove any of those assets from the Cayman Islands or may dispose of or deal with them so long as the total unincumbered value of his assets still in the Cayman Islands remains above \$[        ].

## **2. DISCLOSURE OF INFORMATION**

The Defendant must inform the Plaintiff in writing at once of all his assets in the Cayman Islands whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets. The information must be confirmed in an Affidavit which must be served on the Plaintiff's attorneys within [    ] days after this Order has been served on the Defendant.

## **3. EXCEPTIONS TO THIS ORDER**

- (1) This Order does not prohibit the Defendant from spending \$[        ] a week towards his ordinary living expenses [*and \$[        ] a week towards his ordinary and proper business expenses*] and also \$[        ] a week [*or a reasonable sum*] on legal advice and representation. But before spending any money the Defendant must tell the Plaintiff's attorneys where the money is to come from.

*[(2) This Order does not prohibit the Defendant from dealing with or disposing of any of his assets in the ordinary and proper course of business].*

- (3) The Defendant may agree with the Plaintiff's attorneys that the above spending limits should be increased or that this Order should be varied in any other respect but any such agreement must be in writing.

#### 4. EFFECT OF THIS ORDER

- (1) A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- (2) A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees, or agents, or in any other way.

#### 5. THIRD PARTIES

- (1) Effect of this Order - It is a contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of the Order. Any person doing so may be sent to prison, fined, or have his assets seized.
- (2) Set off by Banks - This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the Defendant before it was notified of the Order.
- (3) Withdrawals by the Defendant - No bank need enquire as to the application or proposed application of any money withdrawn by the Defendant if the withdrawal appears to be permitted by this Order.

#### [6. SERVICE OUT OF THE JURISDICTION AND SUBSTITUTED SERVICE

- (1) *The Plaintiff may serve the Writ of Summons on the Defendant at [ ] by [ ].*
- (2) *If the Defendant wishes to defend the Action he must acknowledge service within [ ] days of being served with the Writ of Summons.]*

#### 7. UNDERTAKINGS

The Plaintiff gives to the Court the undertakings set out in Schedule 1 to this Order.

#### 8. DURATION OF THIS ORDER

This Order will remain in force [up to and including [ ] ("the Return Date"), unless before then it is varied or discharged by a further Order of the Court. The application in which this Order is made shall come back to the Court for further hearing on the Return Date.] [until after judgment in this Action unless before then it is varied or discharged by further Order of the Court].

## 9. VARIATION OR DISCHARGE OF THIS ORDER

The Defendant (or anyone notified of this Order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so must first inform the Plaintiff's attorneys in writing on not less than [ ] days notice.

## 10. NAME AND ADDRESS OF PLAINTIFF'S ATTORNEYS

The Plaintiff's attorneys are:

[Name], [Address], [Telephone]

## 11. INTERPRETATION OF THIS ORDER

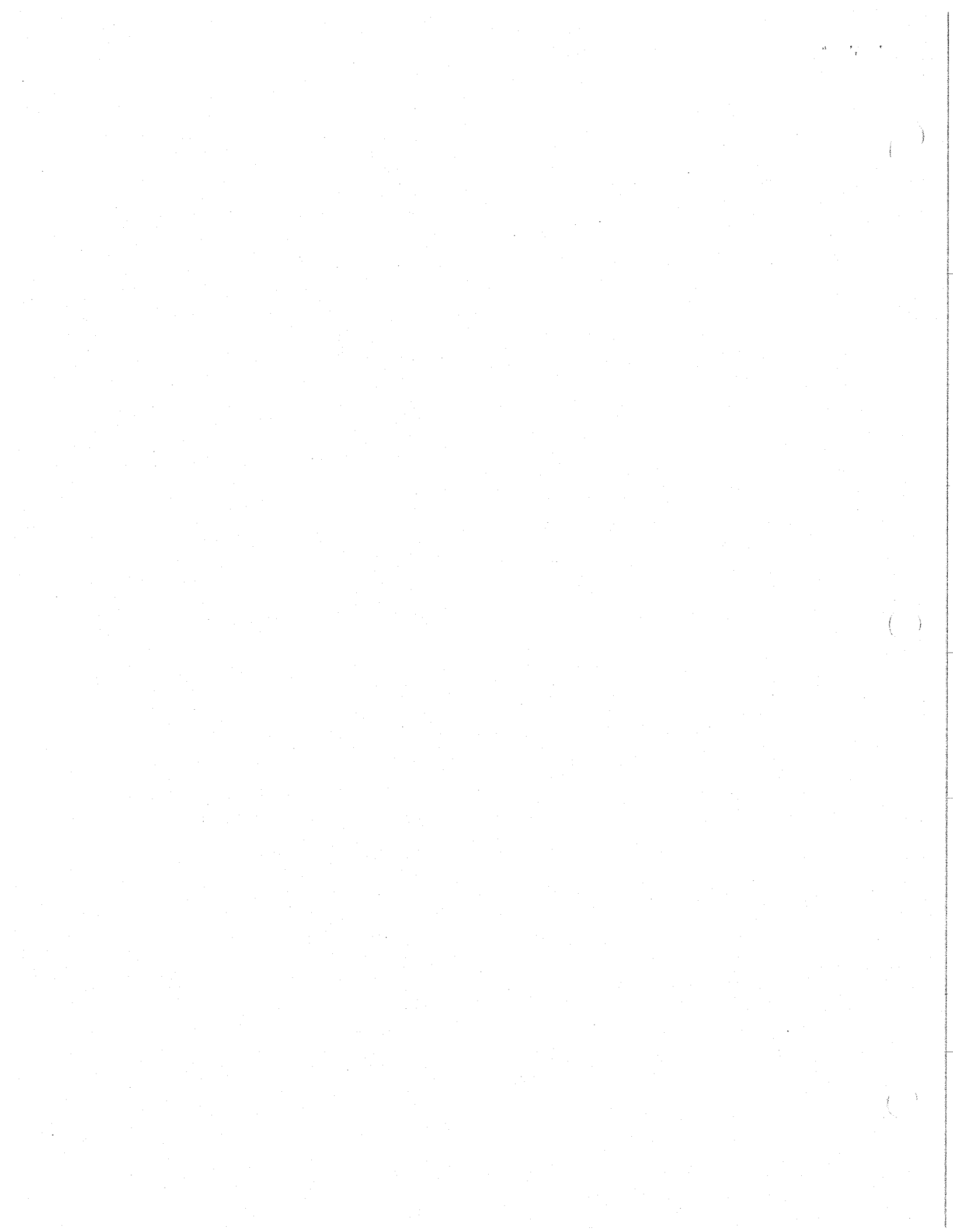
- (1) In this Order "he", "him" or "his" include "she" or "her" and "it" or "its".
- (2) Where there are two or more Defendants then (unless the context indicates differently)
  - (a) references to "the Defendants" mean both or all of them; (b) an Order requiring "the Defendants" to do or not to do anything requires each Defendant to do or not to do it; (c) a requirement relating to service of this Order, or of any legal proceedings, on "the Defendants" means on each of them.

### SCHEDULE 1

#### Undertakings given to the Court by the Plaintiff

- (1) If the Court later finds that this Order has caused loss to the Defendant, and decides that the Defendant should be compensated for that loss, the Plaintiff will comply with any Order the Court may make [*but so that this undertaking is limited to the property and assets in the beneficial ownership of the Plaintiff in the hands of the liquidator*].
- (2) As soon as practicable the Plaintiff will [*issue and*] serve on the Defendant [*a*] [*the*] Writ of Summons [*in the form of the draft writ produced to the Court*] [*claiming appropriate relief*] together with this Order.
- (3) The Plaintiff will cause an affidavit to be sworn and filed [*substantially in the terms of the draft affidavit produced to the Court*] [*confirming the substance of what was said to the Court by the Plaintiff's counsel/attorneys*].
- (4) As soon as practicable the Plaintiff will serve on the Defendant a [*notice of motion*] [*summons*] for the Return Date together with a copy of the affidavits and exhibits containing the evidence relied on by the Plaintiff.
- (5) Anyone notified of this Order will be given a copy of it by the Plaintiff's attorneys.







No. 65

**Mareva Injunction (O.29,r.1)**

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO:      OF 19

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

---

**INJUNCTION PROHIBITING  
DISPOSAL OF ASSETS WORLDWIDE**

---

**IMPORTANT:**

**NOTICE TO THE DEFENDANT**

- (1) This Order prohibits you from dealing with your assets up to the amount stated. The Order is subject to the exceptions at the end of the Order. You should read it all carefully. You are advised to consult an attorney as soon as possible. You have a right to ask the Court to vary or discharge this Order.
- (2) If you disobey this Order you will be guilty of contempt of Court and may be [*sent to prison or*] fined or your assets may be seized.

\*Delete the words "sent to prison" in the case of a corporate Defendant. This notice is not a substitute for the indorsement of a penal notice.

**THE ORDER**

An application was made today [*date*] by Counsel for [*name*], the Plaintiff to Mr. Justice []. Upon hearing Counsel for the Plaintiff and Counsel for the Defendant, Mr. Justice [ ] heard the application and read the affidavits listed in Schedule 2 at the end of this Order.

As a result of the application IT IS ORDERED that:

**1. DISPOSAL OF ASSETS**

- (1) The Defendant must not (i) remove from the Cayman Islands any of his assets which are in the Cayman Islands whether in his own name or not and whether solely or jointly owned up to the value of \$[ ] or (ii) in any way dispose of or deal with or diminish the value of any of his assets whether they are in or outside the Cayman Islands whether in his own name or not and whether solely or jointly owned up to the same value. This prohibition includes the following assets in particular:

- (a) the property known as [ ] or the net sale money after payment of any mortgages or charges if it has been sold;

*[If the injunction is intended to relate to land, it should specify the registered title number and application should normally be made for an inhibition under the Registered Land Law.]*

- (b) the property and assets of the Defendant's business known as [ ] (or carried on at [ ]) or the sale money if any of them have been sold; and
- (c) any money in the accounts numbered [ ] at [ ].

- (2) If the total unincumbered value of the Defendant's assets in the Cayman Islands exceeds \$[ ] the Defendant may remove any of those assets from the Cayman Islands or may dispose of or deal with them so long as the total unincumbered value of his assets still in the Cayman Islands remains above \$[ ].

If the total unincumbered value of the Defendant's assets in the Cayman Islands does not exceed \$[ ], the Defendant must not remove any of those assets from the Cayman Islands and must not dispose of or deal with any of them, but if he has other assets outside the Cayman Islands the Defendant may dispose of or deal with those assets so long as the total unincumbered value of all his assets whether in or outside the Cayman Islands remains above \$[ ].

## 2. DISCLOSURE OF INFORMATION

- (1) The Defendant must inform the Plaintiff in writing at once of all his assets whether in or outside the Cayman Islands and whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets.
- (2) The information must be confirmed in an affidavit which must be served on the Plaintiff's attorneys within [ ] days after this Order has been served on the Defendant.

## 3. EXCEPTIONS TO THIS ORDER

- (1) This Order does not prohibit the Defendant from spending \$[ ] a week towards his ordinary living expenses [*and \$[ ] a week towards his ordinary and proper business expenses*] and also \$[ ] a week [*or a reasonable sum*] on legal advice and representation. But before spending any money the Defendant must tell the Plaintiff's attorneys where the money is to come from.
- [(2) This Order does not prohibit the Defendant from dealing with or disposing of any of his assets in the ordinary and proper course of business].*
- (3) The Defendant may agree with the Plaintiff's attorneys that the above spending limits should be increased or that this Order should be varied in any other respect but any such agreement must be in writing.

#### 4. EFFECT OF THIS ORDER

- (1) A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
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#### 5. THIRD PARTIES

- (1) Effect of this Order - It is a contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of the Order. Any person doing so may be sent to prison, fined, or have his assets seized.
- (2) Effect of this Order outside the Cayman Islands - The terms of this Order do not affect or concern anyone outside the jurisdiction of this Court until it is declared enforceable or is enforced by a court in the relevant country and then they are to affect him only to the extent they have been declared enforceable or have been enforced UNLESS such person is:
  - (a) a person to whom this Order is addressed or an officer or an agent appointed by power of attorney of such a person; or
  - (b) a person who is subject to the jurisdiction of this Court and (i) has been given written notice of this Order at his residence or place of business within the jurisdiction of this Court and (ii) is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this Order.
- (3) Set off by Banks - This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the Defendant before it was notified of the Order.
- (4) Withdrawals by the Defendant - No bank need enquire as to the application or proposed application of any money withdrawn by the Defendant if the withdrawal appears to be permitted by this Order.

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## 10. NAME AND ADDRESS OF PLAINTIFF'S ATTORNEYS

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[Name], [Address], [Telephone]

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