

CAYMAN ISLANDS



Supplement No. 7 published with Gazette No. 4, dated
15 February, 1999.

THE GRAND COURT (AMENDMENT) RULES 1999.

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THE GRAND COURT LAW (1995 REVISION)

THE GRAND COURT (AMENDMENT) RULES 1999

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 1999.

(2) (a) These Rules shall come into operation on the 1st day of March, 1999, referred to in these 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 18, 41, 42, 48, 53 and 102

GCR Orders 18, 41, 42, 48, 53 and 102 are hereby revoked and replaced by the orders contained in Schedule 1 hereto.

3. Addition of Forms 30A, 66, 67 and 68

Appendix I to the Rules is hereby amended by adding the forms contained in Schedule 2 hereto.

MADE by the Rules Committee on the 28th day of January, 1999.

The Hon. Anthony Smellie, QC
Chief Justice

The Hon. David Ballantyne
Attorney General

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Explanatory Notes

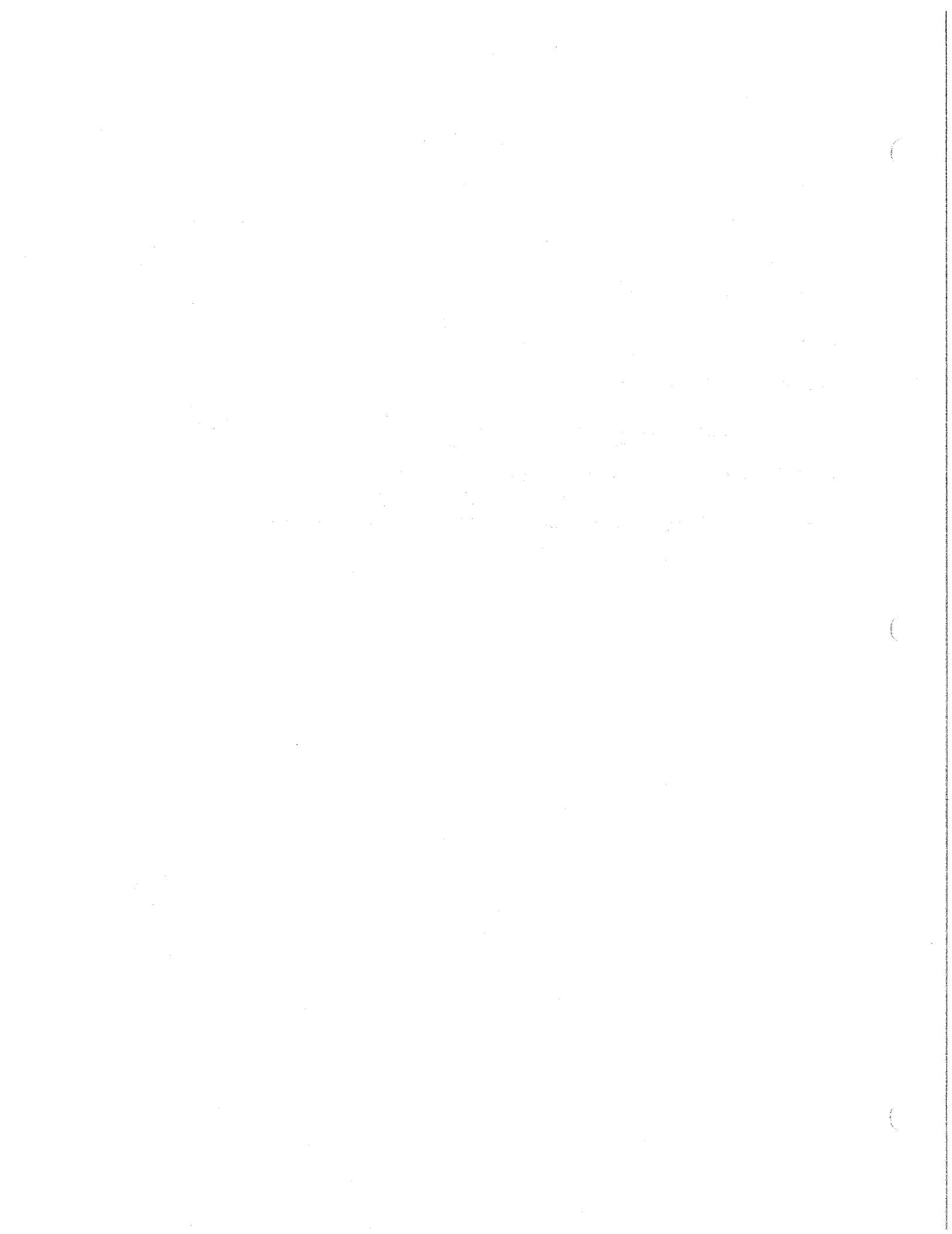
1. GCR Order 18 (Pleadings). Rule 6 is amended to provide that pleadings shall be filed within 14 days of service. This amendment should be read in conjunction with Practice Direction No. 1/99.
2. GCR Order 41 (Affidavits). Rule 8 is amended to permit affidavits to be sworn before notaries who are partners or employees of the attorneys who will appear on behalf of the party on whose behalf the affidavit is to be used. Rule 9 is amended to provide that the exhibits to affidavits shall not be filed. This amendment should be read in conjunction with Practice Direction No. 1/99.
3. GCR Order 42 (Judgments and Orders). Rule 5 is amended to provide that consent orders and those endorsed by the parties' attorneys "approved as to form and content" shall be signed by the Clerk of the Court rather than the judge. Rule 6 is amended to the effect that the Clerk of the Court shall process default judgments without reference to a judge.
4. GCR Order 48 (Examination of Judgment Debtor, etc.). Rule 1 is amended to the effect that applications for orders for the examination of judgment debtors will be made by means of a written application to the Clerk of the Court in form 30A rather than by Summons to a judge.
5. GCR Order 53 (Applications for Judicial Review). Rule 5 is amended so as to clarify the procedure for serving the defendant and other persons directly affected by the application. Rule 5(4) provides that unless the defendant and all other persons served agree, the first hearing of the notice of motion shall be treated as a directions hearing. Rule 8 is introduced so as to make clear that the Court can make orders for discovery, service of interrogatories and orders for cross-examination.
6. GCR Order 102 (Applications pursuant to the Companies Law). An application by a company or any member thereof for an order that it be restored to the Register will in future be made by a written application to the Clerk of the Court in Form No. 66. Applications by creditors will be made by petition which must be advertised and heard in open court.
7. Subscribers to the Gazette should remove page numbers 1-36 (Index), 105-112 (Order 18), 204-208 (Order 41), 209-215 (Order 42), 235 (Order 48), 261-266 (Order 53) and 403-409 (Order 102) from their binders and substitute the new pages contained in Schedule 1.

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THE GRAND COURT LAW (1995 REVISION)

THE GRAND COURT RULES, 1995

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PLEADINGS

Service of statement of claim (O.18, r.1)

1. - Unless the Court gives leave to the contrary or a statement of claim is indorsed on the writ, the plaintiff must serve a statement of claim on the defendant or, if there are two or more defendants, on each defendant, and must do so either when the writ is served on that defendant or at any time after service of the writ but before the expiration of 14 days after that defendant gives notice of intention to defend.

Service of defence (O.18, r.2)

2. - (1) Subject to paragraph (2), a defendant who gives notice of intention to defend an action must, unless the Court gives leave to the contrary, serve a defence on the plaintiff before the expiration of 14 days after the time limited for acknowledging service of the writ or after the statement of claim is served on him, whichever is the later.

(2) If a summons under Order 14, rule 1 or under Order 86, rule 1 is served on a defendant before he serves his defence, paragraph (1) shall not have effect in relation to him unless by the order made on the summons he is given leave to defend the action and, in that case, shall have effect as if it required him to serve his defence within 14 days after the making of the order or within such other period as may be specified therein.

(3) Where an application is made by a defendant under Order 12, rule 8(1), paragraph (1) of this rule shall not have effect in relation to the defendant unless the application is dismissed or no order is made on the application and, in that case, paragraph (1) shall have effect as if it required him to serve his defence within 14 days after the final determination of the application or within such other period as may be specified by the Court.

(4) Paragraph (1) is subject to the provisions of Order 15, rule 12A(7) (derivative actions).

Service of reply and defence to counterclaim (O.18, r.3)

3. - (1) A plaintiff on whom a defendant serves a defence must serve a reply on that defendant if it is needed for compliance with rule 8, and if no reply is served, rule 14(1) will apply.

(2) A plaintiff on whom a defendant serves a counterclaim must, if he intends to defend it, serve on that defendant a defence to counterclaim.

(3) Where a plaintiff serves both a reply and a defence to counterclaim on any defendant, he must include them in the same document.

(4) A reply to any defence must be served by the plaintiff before the expiration of 14 days after the service on him of that defence, and a defence to counterclaim must be served by the plaintiff before the expiration of 14 days after the service on him of the counterclaim to which it relates.

Pleadings subsequent to reply (O.18, r.4)

4. - No pleading subsequent to a reply or a defence to counterclaim shall be served except with the leave of the Court.

No rule (O.18, r.5)

Pleadings: formal requirements (O.18, r.6)

6. - (1) Every pleading in an action must bear on its face -

- (a) the cause number;
- (b) the title of the action; and
- (c) the date on which it was served.

(2) Every pleading must, if necessary, be divided into paragraphs numbered consecutively, each allegation being so far as convenient contained in a separate paragraph.

(3) Dates, sums and other numbers must be expressed in a pleading in figures and not in words.

(4) Every pleading of a party must be indorsed -

- (a) where the party sues or defends in person, with his name and address;
- (b) in any other case, with the name or firm and business address of the attorney by whom it was served.

(5) Every pleading of a party must be signed by an attorney or firm of attorneys, if settled by him or them, or by the party, if he sues or defends in person.

(6) Every pleading must be filed within 14 days of the date upon which it was served.

Facts, not evidence, to be pleaded (O.18, r.7)

7. - (1) Subject to the provisions of this rule, and rules 7A, 10, 11 and 12, every pleading must contain, and contain only, a statement in a summary form of the material facts on which the party pleading relies for his claim or defence, as the case may be, but not the evidence by which those facts are to be proved, and the statement must be as brief as the nature of the case admits.

(2) Without prejudice to paragraph (1), the effect of any document or the purport of any conversation referred to in the pleading must, if material, be briefly stated, and the precise words of the document or conversation shall not be stated, except insofar as those words are themselves material.

(3) A party need not plead any fact if it is presumed by law to be true or the burden of disproving it lies on the other party, unless the other party has specifically denied it in his pleading.

(4) A statement that a thing has been done or that an event has occurred, being a thing or event the doing or occurrence of which, as the case may be, constitutes a condition precedent necessary for the case of a party is to be implied in his pleading.

Conviction, etc. to be adduced in evidence: matters to be pleaded (O.18, r.7A)

7A. - (1) If in any action which is to be tried with pleadings any party intends, in reliance on Section 37 of the Evidence Law, 1978, to adduce evidence that a person was convicted of an offence by or before the Court or the Summary Court, he must include in his pleading a statement of his intention with particulars of -

- (a) the conviction and the date thereof;
- (b) the court which made the conviction; and
- (c) the issue in the proceedings to which the conviction is relevant.

(2) If in any action which is to be tried with pleadings any party intends in reliance on Section 38 of the Evidence Law, 1978, to adduce evidence that a person was found guilty of adultery in matrimonial proceedings before the Court or has been adjudged to be the father of a child in affiliation or maintenance proceedings before the

Court or the Summary Court, he must include in his pleading a statement of his intention with particulars of -

- (a) the finding or adjudication and the date thereof;
- (b) the Court which made the finding or adjudication and the proceedings in which it was made; and
- (c) the issue in the proceedings to which the finding or adjudication is relevant.

(3) Where a party's pleading includes such a statement as is mentioned in paragraph (1) or (2), then if the opposite party -

- (a) denies the conviction or finding of adultery or adjudication of paternity to which the statement relates;
- (b) alleges that the conviction, finding or adjudication was erroneous; or
- (c) denies that the conviction, finding or adjudication is relevant to any issue in the proceedings,

he must make the denial or allegation in his pleading.

Matters which must be specifically pleaded (O.18, r.8)

8. - (1) A party must in any pleading subsequent to a statement of claim plead specifically any matter, for example, performance, release, any relevant statute of limitation, fraud or any fact showing illegality -

- (a) which he alleges makes any claim or defence of the opposite party not maintainable; or
- (b) which, if not specifically pleaded, must take the opposite party by surprise; or
- (c) which raises issues of fact not arising out of the preceding pleading.

(2) Without prejudice to paragraph (1), a defendant to an action for the recovery of land must plead specifically every ground of defence on which he relies, and a plea that he is in possession of the land by himself or his tenant is not sufficient.

(3) A claim for exemplary damages must be specifically pleaded together with the facts on which the party pleading relies.

(4) A party must plead specifically any claim for interest under Section 34 of The Judicature Law or otherwise and -

- (a) the claim for interest must be pleaded in the body of the pleading and should be repeated in the prayer;
- (b) the ground or basis on which interest is claimed must be identified precisely; and
- (c) wherever possible, the date from which and the rate at which interest is claimed must be stated.

Matter may be pleaded whenever arising (O.18, r.9)

9. - Subject to rules 7(1), 10 and 15(2), a party may in any pleading plead any matter which has arisen at any time, whether before or since the issue of the writ.

Departure (O. 18, r.10)

10. - (1) A party shall not in any pleading make an allegation of fact, or raise any new ground or claim, inconsistent with a previous pleading of his.

(2) Paragraph (1) shall not be taken as prejudicing the right of a party to amend, or apply for leave to amend, his previous pleading so as to plead the allegations or claims in the alternative.

Points of law may be pleaded (O.18, r.11)

11. - A party may by his pleading raise any point of law.

Particulars of pleading (O.18, r.12)

12. - (1) Every pleading must contain the necessary particulars of any claim, defence or other matter pleaded including, without prejudice to the generality of the foregoing words -

- (a) particulars of any misrepresentation, fraud, breach of trust, wilful default or undue influence on which the party pleading relies; and
- (b) where a party pleading alleges any condition of the mind of any person, whether any disorder or disability of mind or any malice,

fraudulent intention or other condition of mind except knowledge, particulars of the facts on which the party relies.

(2) The Court may order a party to serve on any other party particulars of any claim, defence or other matter stated in his pleading, or in any affidavit of his ordered to stand as a pleading, or a statement of the nature of the case on which he relies, and the order may be made on such terms as the Court thinks just.

(3) Where a party alleges as a fact that a person had knowledge or notice of some fact, matter or thing, then, without prejudice to the generality of paragraph (2), the Court may, on such terms as it thinks just, order that party to serve on any other party -

- (a) where he alleges knowledge, particulars of the facts on which he relies; and
- (b) where he alleges notice, particulars of the notice.

(4) An order under this rule shall not be made before service of the defence unless, in the opinion of the Court, the order is necessary or desirable to enable the defendant to plead or for some other special reason.

(5) Where the applicant for an order under this rule did not apply by letter for the particulars he requires, the Court may refuse to make the order unless of opinion that there were sufficient reasons for an application by letter not having been made.

(6) Where particulars are given pursuant to a request, or order of the Court, the request or order shall be incorporated with the particulars, each item of the particulars following immediately after the corresponding item of the request or order.

Admissions and denials (O.18, r.13)

13. - (1) Subject to paragraph (4), any allegation of fact made by a party in his pleading is deemed to be admitted by the opposite party unless it is traversed by that party in his pleading or a joinder of issue under rule 14 operates as a denial of it.

(2) A traverse may be made either by a denial or by a statement of non-admission and either expressly or by necessary implication.

(3) Subject to paragraph (4), every allegation of fact made in a statement of claim or counterclaim which the party on whom it is served does not intend to admit must be specifically traversed by him in his defence or defence to counterclaim, as the

case may be; and a general denial of such allegations, or a general statement of non-admission of them is not a sufficient traverse of them.

(4) Any allegation that a party has suffered damage and any allegation as to the amount of damages is deemed to be traversed unless specifically admitted.

Denial by joinder of issue (O.18, r.14)

14. - (1) If there is no reply to a defence, there is an implied joinder of issue on that defence.

(2) Subject to paragraph (3) -

(a) there is at the close of pleadings an implied joinder of issue on the pleading last served; and

(b) a party may in his pleading expressly join issue on the next preceding pleading.

(3) There can be no joinder of issue, implied or express, on a statement of claim or counterclaim.

(4) A joinder of issue operates as a denial of every allegation of fact made in the pleading on which there is an implied or express joinder of issue unless, in the case of an express joinder of issue, any such allegation is excepted from the joinder and is stated to be admitted, in which case the express joinder of issue operates as a denial of every other such allegation.

Statement of Claim (O.18, r.15)

15. - (1) A statement of claim must state specifically the relief or remedy which the plaintiff claims; but costs need not be specifically claimed.

(2) A statement of claim must not contain any allegation or claim in respect of a cause of action unless that cause of action is mentioned in the writ or arises from facts which are the same as, or include or form part of, facts giving rise to a cause of action so mentioned; but, subject to that, a plaintiff may in his statement of claim, alter, modify or extend any claim made by him in the indorsement of the writ without amending the indorsement.

(3) Every statement of claim must bear on its face a statement of the date on which the writ in the action was issued.

Defence of tender (O.18, r.16)

16. - Where in any action a defence of tender before action is pleaded, the defendant must pay into Court in accordance with Order 22 the amount alleged to have been tendered, and the tender shall not be available as a defence unless and until payment into Court has been made.

Defence of set-off (O.18, r.17)

17. - Where a claim by a defendant to a sum of money (whether of an ascertained amount or not) is relied on as a defence to the whole or part of a claim made by the plaintiff, it may be included in the defence and set-off against the plaintiff's claim, whether or not it is also added as a counterclaim.

Counterclaim and defence to counterclaim (O. 18, r.18)

18. - Without prejudice to the general application of this Order to a counterclaim and a defence to counterclaim, or to any provision thereof which applies to either of those pleadings specifically -

- (a) rule 15(1) shall apply to a counterclaim as if the counterclaim were a statement of claim and the defendant making it a plaintiff; and
- (b) rules 8(2), 16 and 17 shall, with the necessary modifications, apply to a defence to counterclaim as they apply to a defence.

Striking out pleadings and indorsements (O.18, r.19)

19. - (1) The Court may at any stage of the proceedings order to be struck out or amended any pleading or the indorsement of any writ in the action, or anything in any pleading or in the indorsement, on the ground that -

- (a) it discloses no reasonable cause of action or defence, as the case may be; or
- (b) it is scandalous, frivolous or vexatious; or
- (c) it may prejudice, embarrass or delay the fair trial of the action; or
- (d) it is otherwise an abuse of the process of the court,

and may order the action to be stayed or dismissed or judgment to be entered accordingly, as the case may be.

(2) No evidence shall be admissible on an application under subparagraph (1)(a).

(3) This rule shall, so far as applicable, apply to an originating summons and a petition as if the summons or petition, as the case may be, were a pleading.

Close of pleadings (O.18, r.20)

20. - (1) The pleadings in an action are deemed to be closed -

- (a) at the expiration of 14 days after service of the reply or, if there is no reply but only a defence to counterclaim, after service of the defence to counterclaim; or
- (b) if neither a reply nor a defence to counterclaim is served, at the expiration of 14 days after service of the defence.

(2) The pleadings in an action are deemed to be closed at the time provided by paragraph (1) notwithstanding that any request or order for particulars has been made but has not been complied with at that time.

Trial without pleadings (O.18, r.21)

21. - (1) Where in an action to which this rule applies any defendant has entered an appearance in the action, the plaintiff or that defendant may apply to the Court by summons for an order that the action shall be tried without pleadings or further pleadings, as the case may be.

(2) If, on the hearing of an application under this rule, the Court is satisfied that the issues in dispute between the parties can be defined without pleadings or further pleadings, or that for any reason the action can properly be tried without pleadings or further pleadings, as the case may be, the Court shall order the action to be so tried, and may direct the parties to prepare a statement of the issues in dispute or, if the parties are unable to agree such a statement, may settle the statement itself.

(3) Where the Court makes an order under paragraph (2), it shall, and where it dismisses an application for such an order, it may, give such directions as to the further conduct of the action as may be appropriate, and Order 25, rules 2 to 7, shall, with the omission of so much of rule 7(1) as requires parties to serve a notice specifying the orders and direction which they desire and with any other necessary modifications, apply as if the application under this rule were a summons for directions.

(4) This rule applies to every action begun by writ other than one which includes -

- (a) a claim by the plaintiff for libel, slander, malicious prosecution or false imprisonment; or
- (b) a claim by the plaintiff based on an allegation of fraud.

ORDER 41

AFFIDAVITS

Form of affidavit (O.41, r.1)

1. - (1) Subject to paragraphs (2) and (3), every affidavit sworn in a cause or matter must be entitled in that cause or matter.

(2) Where a cause or matter is entitled in more than one matter, it shall be sufficient to state the first matter followed by the words "and other matters", and where a cause or matter is entitled in a matter or matters and between parties, that part of the title which consists of the matter or matters may be omitted.

(3) Where there are more plaintiffs than one, it shall be sufficient to state the full name of the first followed by the words "and others", and similarly with respect to defendants.

(4) Every affidavit must be expressed in the first person and must state the place of residence or business of the deponent and his occupation or, if he has none, his description, and if he is, or is employed by, a party to the cause or matter in which the affidavit is sworn, the affidavit must state that fact.

In the case of a deponent who is giving evidence in a professional, business or other occupational capacity the affidavit may, instead of stating the deponent's residence, state the address at which he works, the position he holds and the name of his firm or employer, if any.

(5) Every affidavit must follow continuously from page to page.

(6) Every affidavit must be divided into paragraphs numbered consecutively, each paragraph being as far as possible confined to a distinct portion of the subject and each paragraph or group of paragraphs may be preceded by headings and sub-headings.

(7) Dates, sums and other numbers must be expressed in an affidavit in figures and not in words.

(8) Every affidavit must be signed by the deponent and the jurat must be completed and signed by the person before whom it is sworn.

(9) At the top right hand corner of the first page of every affidavit there shall be written-

(a) the party on whose behalf it is filed;

- (b) the initials and surname of the deponent;
- (c) the number of the affidavit in relation to the deponent; and
- (d) the date when it was sworn.

Affidavit by two or more deponents (O.41, r.2)

2. - Where an affidavit is made by two or more deponents, the names of the persons making the affidavit must be inserted in the jurat except that, if the affidavit is sworn by both or all the deponents at one time before the same person, it shall be sufficient to state that it was sworn by both (or all) of the "above-named" deponents.

Affidavit by illiterate or blind person (O.41, r.3)

3. - Where it appears to the person administering the oath that the deponent is illiterate or blind, he must certify in the jurat that -

- (a) the affidavit was read in his presence to the deponent;
- (b) the deponent seemed perfectly to understand it; and
- (c) the deponent made his signature or mark in his presence,

and the affidavit shall not be used in evidence without such a certificate unless the Court is otherwise satisfied that it was read to and appeared to be perfectly understood by the deponent.

Use of defective affidavit (O.41, r.4)

4. - An affidavit may, with the leave of the Court, be filed or used in evidence notwithstanding any irregularity in the form thereof.

Contents of affidavit (O.41, r.5)

5. - (1) Subject to Order 14, rules 2(2) and 4(2), to Order 86, rule 2(1), to paragraph (2) of this rule and to any order made under Order 38, rule 3, an affidavit may contain only such facts as the deponent is able of his own knowledge to prove.

(2) An affidavit sworn for the purpose of being used in interlocutory proceedings may contain statements of information or belief with the sources and grounds thereof.

Scandalous, etc., matter in affidavit (O.41, r.6)

6. - The Court may order to be struck out of any affidavit any matter which is scandalous, irrelevant or otherwise oppressive.

Alterations in affidavits (O.41, r.7)

7. - An affidavit which has in the jurat or body thereof an interlineation, erasure or other alteration shall not be filed or used in any proceeding without the leave of the Court unless the person before whom the affidavit was sworn has initialled the alteration and, in the case of an erasure, has re-written in the margin of the affidavit any words or figures written on the erasure and has signed or initialled them.

Affidavits to be sworn (O.41, r.8)

8. - (1) Subject to paragraph (2), every affidavit shall be sworn before a justice of the peace or a notary public.

(2) No affidavit shall be admissible if sworn before an attorney who will also appear on behalf of the party on whose behalf the affidavit is to be used.

(3) A document purporting to have affixed or impressed thereon or subscribed thereto the seal or signature of a court, judge, notary public or person having authority to administer oaths outside the Islands in testimony of an affidavit being sworn before it or him shall be admitted in evidence without proof of the seal or signature being the seal or signature of that court, judge, notary public or person.

Filing of affidavits (O.41, r.9)

9. - (1) Every affidavit used in a cause or matter proceeding in the Court must be filed.

(2) The exhibits to an affidavit shall not be filed and it shall be the duty of the party on whose behalf an affidavit is filed to preserve the exhibits for use by the Court.

Use of original affidavit or office copy (O.41, r.10)

10. - (1) Subject to paragraph (2), an original affidavit may be used in any proceedings without leave of the Court notwithstanding that it has not been filed in accordance with rule 9.

(2) Where an original affidavit is used, the party using it must undertake to file it.

(3) Where an affidavit has been filed, an office copy thereof may be used in any proceedings.

(4) Where an affidavit has been sworn outside the Islands, a copy transmitted by facsimile to the Islands may be used, unless the Court directs otherwise, upon the party's attorney undertaking to file the original.

Document to be used in conjunction with affidavit to be exhibited to it (O.41, r.11)

11. - (1) Any document to be used in conjunction with an affidavit must be exhibited, and not annexed or attached, to the affidavit.

(2) Any exhibit to an affidavit must be identified by a certificate of the person before whom the affidavit is sworn. The certificate must be entitled in the same manner as the affidavit and rule 1(1), (2) and (3) shall apply accordingly.

Form of documentary exhibits (O.41, r.12)

12. - (1) Every documentary exhibit shall have attached to it a frontsheet entitled in the cause or matter and specifying -

- (a) the affidavit to which it is exhibited;
- (b) the exhibit number; and
- (c) at the top right hand corner the information specified in rule 1(9).

(2) Every exhibit shall bear a number comprising the initials of the deponent.

(3) Where a deponent swears more than one affidavit to which there are exhibits, the numbering of such exhibits shall run consecutively throughout and shall not begin again with each affidavit.

(4) Clearly legible photographic copies of original documents may be exhibited provided that the originals are made available at the hearing if required to be produced by notice served by any other party not less than 2 clear days prior to the hearing.

(5) Any document which the Court is being asked to construe or enforce or the trusts of which it is being asked to vary, shall be separately exhibited and not included in any bundle of documents.

(6) Where a number of documents are contained in one exhibit they shall be arranged in chronological order; be paginated; and the frontsheet shall contain an index.

(7) Letters shall not be made separate exhibits.

(8) Exhibits comprising letters shall be collected together in bundles; arranged in chronological order; be paginated; and the frontsheet shall contain an index listing each letter and specifying whether it is an original (or copy of an original) or copy (or copy of a copy).

(9) Documentary exhibits may be -

- (a) firmly stapled;
- (b) bound together;
- (c) placed in ring binders provided that they are clearly separated by dividers; or
- (d) tied with tape,

as may be convenient, provided that bundles are firmly held together and the pages easily turned.

Exhibits other than documents (O.41, r.13)

13.- (1) Exhibits other than documents must be clearly marked with labels firmly attached to the item.

(2) Exhibit labels must contain the information, in abbreviated form if necessary, required by rule 12(1) and shall be numbered in the manner required by rule 12(2) and (3).

Court documents not to be exhibited (O.41, r.14)

14.- (1) Copies of originating process, pleadings, affidavits and other documents filed in Court shall not be exhibited to affidavits.

(2) A party wishing to refer to a document contained in a Court file shall serve notice of his intention to do so and shall provide the opposing party with an office copy thereof.

Reference to exhibits (O.41, r.15)

15.- (1) Copies of the same document shall not be exhibited twice in any proceeding.

(2) Where a deponent wishes to refer to a document already exhibited to some other deponent's affidavit, he shall not also exhibit it to his own affidavit, but must identify it by reference to its number and the affidavit to which it is exhibited.

ORDER 42**JUDGMENTS AND ORDERS****Form of judgment, etc. (O.42, r.1)**

1. - (1) Every judgment or order shall contain the following information in addition to its operative parts -

- (a) the name of the Judge who made it;
- (b) whether it was made in open Court or in Chambers;
- (c) the date from which it takes effect;
- (d) the date upon which it was filed;
- (e) the summons, notice or other application in respect of which it was made;
- (f) the identity of those parties who appeared and those who did not appear and in the case of those who appeared, whether they appeared in person or by an attorney;
- (g) except in the case of a judgment given in the trial of an action begun by writ, a statement of the affidavits read and witnesses who gave oral evidence;
- (h) if it was made upon any undertaking given by any party or parties, the full terms of such undertaking or undertakings; and
- (i) at the foot of its last page, the name and address of the party by whom it was drawn up and presented for filing.

(2) If, in the case of any judgment, a form thereof is prescribed by Appendix I the judgment must be in that form.

(3) Every judgment or order must be signed by a Judge and sealed.

(4) Any judgment or order given or made in default, shall be entitled "Default Judgment" or "Default Order" as the case may be, and must identify the party in default and the nature of his default.

(5) Any judgment or order given or made by consent shall be entitled "Consent Judgment" or "Consent Order", as the case may be, and must identify the parties who consented to it.

No rule (O.42, r.1A)

Judgment, etc., requiring act to be done: time for doing it (O.42, r.2)

2. - (1) Subject to paragraph (2), a judgment or order which requires a person to do an act must specify the time after service of the judgment or order, or some other time, within which the act is to be done.

(2) Where the act which any person is required by any judgment or order to do is to pay money to some other person, give possession of any land or deliver any goods, a time within which the act is to be done need not be specified in the judgment or order by virtue of paragraph (1) but the foregoing provision shall not affect the power of the Court to specify such a time and to adjudge or order accordingly.

Date from which judgment or order takes effect (O.42, r.3)

3. - (1) Subject to the provisions of rule 3A, a judgment or order of the Court takes effect from the day of its date.

(2) Such judgment or order shall be dated as of the day on which it is pronounced, given or made, unless the Court orders it to be dated as of some earlier or later day, in which case it shall be dated as of that other day.

(3) Whenever any judgment or order is drawn up and filed after the date upon which it is pronounced, given or made, it shall bear the date of filing in addition to the date upon which it was pronounced, given or made.

(4) It shall be the duty of the attorney drawing up a judgment or order to include in it the date upon which it was pronounced, given or made and it shall be the duty of the Clerk of the Court to include in it the date of filing.

Judgment against a State (O.42, r.3A)

3A. - When a judgment on failure to acknowledge service has been entered against a State, as defined in Section 14 of the State Immunity Act 1978, the judgment shall not take effect until 2 months after service on the State of -

(a) a copy of the judgment; and

- (b) a copy of the affidavit in support of the application for leave to enter judgment, unless one has already been served pursuant to a direction under Order 13, rule 7A(4).

Orders required to be drawn up (O.42, r.4)

- 4. - (1) Subject to paragraph (2), every order of the Court shall be drawn up and filed unless the Court otherwise directs.

(2) An order -

(a) which -

- (i) extends the period within which a person is required or authorised by these Rules, or by any judgment, order or direction, to do any act; or
- (ii) grants leave for the doing of any of the acts mentioned in paragraph (3); and

(b) which neither imposes any special terms nor includes any special directions other than a direction as to costs,

need not be drawn up and filed unless the Court otherwise directs.

(3) The acts referred to in subparagraph (2)(a)(ii) are -

- (a) the issue of any writ, other than a writ for service out of the jurisdiction;
- (b) the amendment of a writ or other originating process or a pleading;
- (c) the filing of any document;
- (d) any act to be done by the Clerk of the Court.

Drawing up and filing of judgments and orders (O.42, r.5)

- 5. - (1) The party seeking to have any judgment or order filed must draw up the judgment or order and present it to the Clerk of the Court together with the number of copies required by paragraph (8) or (9), as the case may be.

(2) In the event that any judgment or order requires that any money be paid into or out of Court, the party seeking to have it filed must also draw up the necessary lodgment or payment schedule in accordance with Order 92, rule 10, and present it to the Clerk of the Court at the same time as presenting the judgment or order.

(3) It shall be the duty of the Clerk of the Court to provide at the request of any party a copy of any minute of order.

(4) A party presenting a judgment or order for filing (other than one in default or by consent) must identify to the Clerk of the Court the relevant cause number.

(5) Where more than one party has appeared in a proceeding in which a judgment or order has been made and all those parties are represented by attorneys, the attorney for the successful party shall draw up the judgment or order and circulate it to the attorneys for the other parties who shall indorse it "approved as to form and content".

(6) Upon being presented with a judgment or order complying with rule 5A or rule 6 or indorsed in accordance with paragraph (5), the Clerk of the Court shall sign it and file it by sealing it and placing it on the Court file.

(7) Upon being presented with an ex-parte order or an interparties order which has not been indorsed in accordance with paragraph (5), the Clerk of the Court shall present it to the judge for signature.

(8) The Clerk of the Court shall notify the party who drew up the judgment or order when it has been filed and shall provide such party with as many sealed copies as he may require upon payment of the prescribed fee.

(9) A party seeking to file a final judgment or order or a default judgment shall provide the Clerk of the Court with at least three copies, two of which shall be retained for filing.

(10) A party seeking to file an interlocutory judgment or order other than a final one shall provide the Clerk of the Court with at least two copies, one of which shall be retained for filing.

(11) An office copy of every judgment or order of the kind specified in paragraph (9) shall be placed by the Clerk of the Court on the Register of Judgments maintained in accordance with Order 63, rule 7.

Consent judgments and orders (O.42, r.5A)

5A.- (1) Subject to paragraphs (2), (3) and (4), where all the parties to a cause or matter are agreed upon the terms in which a judgment should be given or an order should be made, a judgment or order in such terms may be given effect as a judgment or order of the Court by the procedure provided in rule 5 without the need for any party to appear before a Judge.

(2) This rule applies to any judgment or order which consists of one or more of the following -

- (a) any judgment or order for -
 - (i) the payment of liquidated sum, or damages to be assessed, or the value of goods to be assessed;
 - (ii) the delivery up of goods, with or without the option of paying the value of the goods to be assessed, or the agreed value; or
 - (iii) the possession of land;
- (b) any order for -
 - (i) the dismissal, discontinuance or withdrawal of any proceedings, wholly or in part;
 - (ii) the stay of proceedings, either unconditionally or upon conditions as to the payment of money;
 - (iii) the stay of proceedings upon terms which are scheduled to the order but which are not otherwise part of it (a "Tomlin order");
 - (iv) the stay of enforcement of a judgment, either unconditionally or upon condition that money due under judgment is paid by instalments specified in the order;
 - (v) the setting aside of a judgment in default;
 - (vi) the payment out of money in Court;
 - (vii) the discharge from liability of any party; or

- (viii) the payment, taxation or waiver of costs, or such other provision for costs as may be agreed;
- (c) any order, to be included in a judgment or order to which the preceding subparagraphs apply, for -
 - (i) the extension of the period required for the service or filing of any pleading or other document;
 - (ii) the withdrawal of the record; or
 - (iii) liberty to apply, or to restore.

(3) Before any judgment, or order to which this rule applies may be filed, it must be drawn up in terms agreed and entitled "Consent Order" and it must be indorsed by attorneys acting for each of the parties.

(4) This rule shall not apply to any judgment or order in proceedings in which any of the parties is a litigant in person or a person under disability.

Default judgments (O.42, r.6)

6. - (1) A party seeking to have a default judgment entered pursuant to Order 13 or Order 19 shall make an application to the Clerk of the Court in Form No. 20 of Appendix I referred to in this rule as an "application for default judgment".

(2) An application for default judgment shall be accompanied by a draft of the judgment sought together with such number of copies specified in rule 5(8).

(3) When an application for default judgment has been filed the Court file shall be deemed to be closed and no notice of intention to defend, pleading, summons or other document shall be filed until after the default judgment has been made or, if the application for default judgment is found to be irregular, until after it has been rejected.

(4) Upon receipt of an application for default judgment the Clerk of the Court shall -

- (a) if it appears to him that the requirements of Order 13 or Order 19 have been met, sign the judgment and file it in accordance with rule 5(6) and notify the applicant in accordance with rule 5(7); or

- (b) if it appears to him that the requirements of Order 13 or Order 19 have not been met or that it is otherwise irregular, indorse the application to the effect that it is irregular specifying his reason, whereupon the Court file shall be deemed to be open and he shall return the notice of application for default judgment to the applicant.

(5) Any notice of intention to defend or pleading which purports to have been filed whilst the Court file is closed pursuant to paragraph (3) shall be deemed to be a nullity, unless the application for default judgment is rejected, whereupon it shall be deemed to have been filed on the date of such rejection.

(6) A party seeking to file -

- (a) a judgment or order made in open Court including such a judgment or order made by consent; or
- (b) a default judgment; or
- (c) a judgment or order made in Chambers which by the direction of the Judge pursuant to Order 32, rule 27 or by the consent of all the parties noted thereon is to be filed on the Register of Judgments under Order 63, rule 7(1),

shall provide the Clerk of the Court with at least three copies, two of which shall be retained for filing.

(7) A party seeking to file a judgment or order made in Chambers other than such a judgment or order referred to in subparagraph (7)(c) shall provide the Clerk of the Court with at least two copies, one of which shall be retained for filing.

Original and office copies of judgments etc. (O.42, r.7)

7. -
- (1) The original of any judgment or order is that which bears the Judge's or Clerk of the Court's signature as the case may be and shall be filed on the Court file.
 - (2) An office copy of any judgment or order is one which bears the official facsimile of the signature of the Judge or Clerk of the Court who signed the original.
 - (3) The Clerk of the Court may issue any number of office copies.
 - (4) Both original and office copies of judgments and orders must be sealed with the Court seal.

(5) A duplicate original of any judgment or order may be signed only if the Judge or Clerk of the Court considers that there is some special reason for doing so.

Judgments given in foreign currencies (O.42, r.8)

8. - (1) Every judgment providing for payment of any sum of money shall specify the currency or currencies in which judgment is given.

(2) A judgment expressed only in "dollars" or "\$" shall be deemed to mean Cayman Islands dollars.

Application in respect of orders of the Privy Council (O.42, r.9)

9. - An application to make an order of the Privy Council an order of the Grand Court may be made ex parte by affidavit to the Court.

ORDER 48**EXAMINATION OF JUDGMENT DEBTOR, ETC.****Order for examination of judgment debtor (O.48, r.1)**

1. - (1) Where a person has obtained a judgment or order for the payment by some other person (hereinafter referred to as "the judgment debtor") of money, the Clerk of the Court may, on an application made by the person entitled to enforce the judgment or order, order the judgment debtor or, if the judgment debtor is a body corporate, an officer thereof, to attend before a Judge and be orally examined on the question -

- (a) whether any and, if so, what debts are owing to the judgment debtor, and
- (b) whether the judgment debtor has any and, if so, what other property or means of satisfying the judgment or order,

and the Court may also order the judgment debtor or officer to produce any books or documents in the possession of the judgment debtor relevant to the questions aforesaid at the time and place appointed for the examination.

(2) An application under this rule shall be made in Form 30A and shall be determined by the Clerk of the Court without hearing the applicant.

(3) The application must be supported by an affidavit -

- (a) identifying the judgment or order and stating the amount unpaid at the time of the application;
- (b) stating the date and place at which the judgment or order was served upon the judgment debtor;
- (c) giving particulars of the document sought to be produced and the reasons for believing that such documents are in the possession of the judgment debtor; and
- (d) where the judgment debtor is a body corporate, particulars of its relationship with the person to be summoned for examination.

(4) An order under this rule must be in Form No. 30 of Appendix I and must be served personally on the judgment debtor and on any officer of a body corporate ordered to attend for examination.

Examination of party liable to satisfy other judgment (O.48, r.2)

2. - Where any difficulty arises in or in connection with the enforcement of any judgment or order, other than such a judgment or order as is mentioned in rule 1; the Court may make an order under that rule for the attendance of the party liable to satisfy the judgment or order and for his examination on such questions as may be specified in the order, and that rule shall apply accordingly with the necessary modifications.

Examiner to make record of debtor's statement (O.48, r.3)

3. - The Judge shall take down, or cause to be taken down, in writing the statement made by the judgment debtor or other person at the examination. The judge shall certify the accuracy of the statement by signing it.

ORDER 53**APPLICATIONS FOR JUDICIAL REVIEW****Cases appropriate for application for judicial review (O.53, r.1)**

1. - (1) An application for -
- (a) an order of mandamus, prohibition or certiorari; or
 - (b) an injunction restraining a person from acting in any substantive office of a public nature and permanent character which is held under the Crown or which has been created by any statutory provision, regulation or directive,

shall be made by way of an application for judicial review in accordance with the provisions of this Order.

(2) An application for a declaration or an injunction (not being an injunction mentioned in subparagraph (1)(b)) may be made by way of an application for judicial review, and on such an application the Court may grant the declaration or injunction claimed if it considers that, having regard to -

- (a) the nature of the matters in respect of which relief may be granted by way of an order of mandamus, prohibition or certiorari;
- (b) the nature of the persons and bodies against whom relief may be granted by way of such an order; and
- (c) all the circumstances of the case,

it would be just and convenient for the declaration or injunction to be granted on an application for judicial review.

Joinder of claims for relief (O.53, r.2)

2. - On an application for judicial review any relief mentioned in rule 1(1) or (2) may be claimed as an alternative or in addition to any other relief so mentioned if it arises out of or relates to or is connected with the same matter.

Grant of leave to apply for judicial review (O.53, r.3)

3. - (1) No application for judicial review shall be made unless the leave of the Court has been obtained in accordance with this rule.

(2) An application for leave must be made ex parte to a Judge by filing -

(a) a notice in Form No. 53 of Appendix I containing a statement of -

(i) the name and description of the applicant;

(ii) the relief sought and the grounds upon which it is sought;

(iii) the name and address of the applicant's attorney (if any);
and

(iv) the applicant's address for service; and

(b) an affidavit which verifies the facts relied on.

(3) The Judge may determine the application without a hearing, unless a hearing is requested in the notice of application, and need not sit in open Court; in any case, the Clerk of the Court shall serve a copy of the Judge's order on the applicant.

(4) Where the application for leave is refused by the Judge, or is granted on terms, the applicant may renew it by applying to a single Judge sitting in open Court:

Provided that no application for leave may be renewed in any non-criminal cause or matter in which the Judge has refused leave under paragraph (3) after a hearing.

(5) In order to renew his application for leave the applicant must within 10 days of being served with notice of the Judge's refusal, file notice of his intention in Form No. 54 of Appendix I.

(6) Without prejudice to its powers under Order 20, rule 8, the Court hearing an application for leave may allow the applicant's statement to be amended, whether by specifying different or additional grounds or relief or otherwise, on such terms, if any, as it thinks fit.

(7) The Court shall not grant leave unless it considers that the applicant has a sufficient interest in the matter to which the application relates.

(8) Where leave is sought to apply for an order of certiorari to remove for the purpose of its being quashed any judgment, order, conviction or other proceedings which is subject to appeal and a time is limited for the bringing of the appeal, the Court may adjourn the application for leave until the appeal is determined or the time for appealing has expired.

(9) If the Court grants leave, it may impose such terms as to costs and as to giving security as it thinks fit.

(10) Where leave to apply for judicial review is granted, then -

- (a) if the relief sought is an order of prohibition or certiorari and the Court so directs, the grant shall operate as a stay of the proceedings to which the application relates until the determination of the application or until the Court otherwise orders;
- (b) if any other relief is sought, the Court may at any time grant in the proceedings such interim relief as could be granted in an action begun by writ.

Delay in applying for relief (O.53, r.4)

4. - (1) An application for leave to apply for judicial review shall be made promptly and in any event within 3 months from the date when grounds for the application first arose unless the Court considers that there is good reason for extending the period within which the application shall be made.

(2) Where the relief sought is an order of certiorari in respect of any judgment, order, conviction or other proceeding, the date when grounds for the application first arose shall be taken to be the date of that judgment, order, conviction or proceeding.

(3) The preceding paragraphs are without prejudice to any statutory provision which has the effect of limiting the time within which an application for judicial review may be made.

Mode of applying for judicial review (O.53, r.5)

5. - (1) In any cause or matter, where leave has been granted to make an application for judicial review, the application shall be made by originating motion to a Judge sitting in open Court, unless the Court directs that it shall be made to a Judge in Chambers. Any such direction shall be without prejudice to the Judge's powers under Order 32, rule 13.

(2) Within 7 days of being granted leave, the applicant shall serve copies of-

- (a) the notice of motion;
- (b) the supporting affidavits;
- (c) the order for leave; and
- (d) the Form 53 application

upon the defendant and all other persons directly affected.

(3) Where the application relates to any proceedings in or before a Court and the object of the application is either to compel the Court or an officer of the Court to do any act in relation to the proceedings or to quash them or any order made therein, the documents specified in paragraph (2) must also be served on the Clerk or Registrar of the Court and, where any objection to the conduct of a Justice of the Peace or Magistrate is made, on such Justice of the Peace or Magistrate.

(4) Unless the defendant and all other persons served agree, the first hearing of the notice of motion shall be treated as a directions hearing.

(5) Unless the Court granting leave has otherwise directed, there must be at least 14 days between the service of the notice of motion and the first hearing.

(6) An affidavit giving the names and addresses of, and the places and dates of service on, all persons who have been served with the notice of motion must be filed before the motion is listed for hearing and, if any person who ought to be served under this rule has not been served, the affidavit must state that fact and the reason for it.

(7) If on the hearing of the motion the Court is of opinion that any person who ought, whether under this rule or otherwise, to have been served has not been served, the Court may adjourn the hearing on such terms (if any) as it may direct in order that the notice may be served on that person.

Statements and affidavits (O.53, r.6)

6. - (1) Copies of the statement in support of an application for leave under rule 3 must be served with the notice of motion and, subject to paragraph (2), no grounds shall be relied upon or any relief sought at the hearing except the grounds and relief set out in the statement.

(2) The Court may on the hearing of the motion allow the applicant to amend his statement, whether by specifying different or additional grounds of relief or

otherwise, on such terms, if any, as it thinks fit and may allow further affidavits to be used if they deal with new matters arising out of an affidavit of any other party to the application.

(3) Where the applicant intends to ask to be allowed to amend his statement or to use further affidavits, he shall give notice of his intention and of any proposed amendment to every other party and the affidavit shall be before the Court on the hearing of the motion.

(4) Any respondent who intends to use an affidavit at the hearing shall file it as soon as practicable and in any event, unless the Court otherwise directs, within 56 days after service upon him of the documents required to be served by paragraph (1).

(5) Each party to the application must supply to every other party on demand and on payment of the proper charges copies of every affidavit which he proposes to use at the hearing, including, in the case of the applicant, the affidavit in support of the application for leave under rule 3.

Claim for damages (O.53, r.7)

7. - (1) On an application for judicial review the Court may, subject to paragraph (2), award damages to the applicant if -

- (a) he has included in the statement in support of his application for leave under rule 3 a claim for damages arising from any matter to which the application relates; and
- (b) the Court is satisfied that, if the claim had been made in an action begun by the applicant at the time of making his application, he could have been awarded damages.

(2) Order 18, rule 12, shall apply to a statement relating to a claim for damages as it applies to a pleading.

Interlocutory applications (O.53, r.8)

8. - (1) Unless the Court otherwise directs, any interlocutory applications shall be made at the first hearing of the notice of motion.

(2) In this rule "interlocutory applications" includes an application under Order 24, Order 26, Order 38, r.2(3) or for an order granting relief or dismissing the proceedings by consent of the parties.

Hearing of application for judicial review (O.53, r.9)

9. - (1) On the hearing of any motion under rule 5, any person who desires to be heard in opposition to the motion, and appears to the Court to be a proper person to be heard, shall be heard, notwithstanding that he has not been served with notice of the motion.

(2) Where the relief sought is or includes an order of certiorari to remove any proceedings for the purpose of quashing them, the applicant may not question the validity of any order, warrant, commitment, conviction, inquisition or record unless before the hearing of the motion he has filed a copy thereof verified by affidavit or accounts for his failure to do so to the satisfaction of the Court hearing the motion.

(3) Where an order for certiorari is made in any such case as is referred to in paragraph (2) the order shall, subject to paragraph (4), direct that the proceedings shall be quashed forthwith on their removal into the Court.

(4) Where the relief sought is an order of certiorari and the Court is satisfied that there are grounds for quashing the decision to which the application relates, the Court may, in addition to quashing it, remit the matter to the Court, tribunal or authority concerned with a direction to reconsider it and reach a decision in accordance with the findings of the Court.

(5) Where the relief sought is a declaration, an injunction or damages and the Court considers that it should not be granted on an application for judicial review but might have been granted if it had been sought in an action begun by writ by the applicant at the time of making his application, the Court may, instead of refusing the application, order the proceedings to continue as if they had been begun by writ.

Saving for person acting in obedience to mandamus (O.53, r.10)

10. - No action or proceeding shall be begun or prosecuted against any person in respect of anything done in obedience to an order of mandamus.

No rule (O.53, r.11)**Consolidation of Applications (O.53, r.12)**

12. - Where there is more than one application pending against several persons in respect of the same office, and on the same grounds, the Court may order the applications to be consolidated.

Appeal from Court's order (O.53, r.13)

13. - No appeal shall lie from an order made under paragraph (3) of rule 3 on an application for leave which may be renewed under paragraph (4) of that rule.

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ORDER 102**APPLICATIONS PURSUANT TO THE COMPANIES LAW (1998 REVISION)****Definitions (O.102, r.1)**

1. - In this order "the Law" means the Companies Law (1998 Revision) and a "registrant" has the meaning ascribed to it by Section 219(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 44 of the Law, for an order to inspect the register of members of a company;
 - (b) under Section 46 of the Law, for an order for rectification of the register of members of a company;
 - (c) under Section 54 of the Law, for an order for inspection of a company's register of mortgages and charges;
 - (d) under Section 86(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 221 of the Law, for an order approving changes to the charter documents of a registrant;
 - (f) 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 subparagraph (1)(e) 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 64 of the Law, for an order for the appointment of inspectors in respect of a company;
- (b) under Section 88 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 15 of the Law, for an order confirming a resolution for reducing the share capital of a company;
- (b) under Section 35 of the Law, for an order sanctioning the issue by a company of shares at a discount;
- (c) under Section 86(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 94 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 (1998 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 15 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 15(3) of the Law to direct that Section 15(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 94(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 15(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 15(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 15(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 174 of the Law, all applications to the Court made pursuant to Sections 49, 79 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.

Restoration of companies to the register: Application by a company or a member thereof (O.102, r.18)

18. - (1) An application by a company or any member thereof under Section 178 of the Law shall be made by originating application in Form No. 66 of Appendix I.

(2) The originating application shall be supported by an affidavit proving the following facts and matters-

- (a) the company's registration number and the date of its registration;
- (b) the date upon which the company was struck off the register of companies;
- (c) if the company was struck off the register more than two years prior to the date of the originating application, the Governor in

Council has no objection to its restoration to the register of companies;

- (d) the Registrar of Companies has no objection to the company's restoration to the register of companies;
- (e) the amount of the reinstatement fee payable and the amount of any outstanding annual return fees, the payment of which is sought by the Registrar of Companies;
- (f) the address of the premises which will become the company's registered office in the event that it is restored to the register of companies;
- (g) if the proposed registered office is the premises of a professional service provider, such person has agreed to provide registered office services to the company.

(3) Every originating application under this rule shall be accompanied by a draft order (in triplicate) in Form No. 67 of Appendix I.

(4) Every originating application under this rule shall be determined by the Clerk of the Court without hearing the applicant.

(5) If the Clerk of the Court is satisfied that the requirements of this rule and of Section 178 of the Law have been met, he shall make an order in Form No. 67 of Appendix I.

(6) If the Clerk of the Court is not satisfied that the requirements of this rule or Section 178 of the Law have been met, he may-

- (a) require the applicant to file further evidence;
- (b) direct that the application be served on the Registrar of Companies;
- (c) refer the application for an oral hearing before a judge; or
- (d) dismiss the application.

Restoration of companies to the register - Application by a creditor (O.102, r.19)

19. - (1) An application by a creditor under Section 178 may be combined with an application under Section 94 of the Companies Law and may be made by petition in Form No. 68 of Appendix I.

(2) A petition under this rule shall be served on-

(a) the last known registered office of the company; and

(b) the Registrar of Companies.

(3) Unless the Court otherwise directs, a petition under this rule shall be advertised not less than seven days after service of the petition on the company's last known registered office nor less than seven days before the date fixed for the hearing of the petition.

(4) The petition shall be verified by an affidavit that the statements in the petition are true, or are true to the best of the deponent's knowledge, information and belief.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all parties involved.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It provides a detailed description of the procedures followed to ensure the reliability and validity of the information gathered.

3. The third part of the document presents the results of the study and discusses the implications of the findings. It highlights the key trends and patterns observed and offers insights into the factors that influence the outcomes.

4. The fourth part of the document concludes the study and provides a summary of the main findings. It reiterates the importance of the research and offers suggestions for further exploration in this field.

SCHEDULE 2

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No. 30A

Application for examination of judgment debtor (O.48, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 19

BETWEEN: PLAINTIFF/JUDGMENT CREDITOR

AND: DEFENDANT/JUDGMENT DEBTOR

APPLICATION FOR EXAMINATION OF JUDGMENT DEBTOR

Application is hereby made to the Clerk of the Court pursuant to GCR O.48 for an order that *[state name]* the judgment debtor *[or officer of the judgment debtor]* attend before the Court to be examined as to his means.

The grounds of this application are contained in the affidavit of *[state name]* sworn on *[state date]*.

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

[state name]

This application was filed by *[name of judgment debtor or his attorney]* whose address for service is _____.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The records should be kept up-to-date and should be easily accessible to all relevant parties.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include interviews, surveys, and focus groups. Each method has its own strengths and weaknesses, and it is important to choose the most appropriate method for the specific research objectives.

3. The third part of the document describes the process of data analysis. This involves identifying patterns and trends in the data, and then interpreting these findings in the context of the research objectives. It is important to be transparent about the methods used for data analysis, and to provide a clear explanation of how the findings were derived.

4. The fourth part of the document discusses the importance of reporting the findings of the research. This involves presenting the results in a clear and concise manner, and providing a detailed explanation of the implications of the findings. It is important to be honest and objective in the reporting, and to avoid making any unsupported claims.

5. The fifth part of the document concludes the report and provides a summary of the key findings. It also discusses the limitations of the study and suggests areas for further research. This is an important part of the report, as it provides a clear overview of the research and its implications.

6. The final part of the document is a list of references. This includes all the sources of information used in the research, and it is important to provide a complete and accurate list of references. This allows other researchers to locate the sources and to verify the findings of the study.

No. 66

Originating Application (O.102,r.18)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 19

IN THE MATTER OF SECTION 178 OF THE COMPANIES LAW
(1998 REVISION)

AND IN THE MATTER OF *[state name of company]*

ORIGINATING APPLICATION

Application is hereby made to the Clerk of the Court on behalf of *[state name of company]*
(registration no. _____) for an order that it be restored to the register of companies.

This application is made on the grounds set out in the affidavit of *[state name of deponent]*, a
[state whether the deponent is a shareholder, director or officer of the company] sworn on
[state date].

Dated this ___ day of _____.

[State name of applicant]

This Originating Application was filed by *[name of applicant or his attorney]*, whose address
for service is *[state address within the jurisdiction]*.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The records should be kept up-to-date and should be easily accessible to all relevant parties.

2. The second part of the document outlines the procedures for handling any discrepancies or errors that may arise. It is important to identify the source of the error and to take appropriate steps to correct it. This may involve reviewing the original documents and consulting with the relevant staff members.

3. The third part of the document discusses the role of the internal audit function. This function is responsible for monitoring and evaluating the internal control system to ensure that it is effective in preventing and detecting errors and fraud. The internal audit function should report to the board of directors and should have access to all relevant information.

4. The fourth part of the document discusses the importance of communication and transparency. It is essential to keep all relevant parties informed of any changes to the financial reporting process and to ensure that the financial statements are presented in a clear and understandable manner. This will help to build trust and confidence in the organization's financial reporting.

5. The fifth part of the document discusses the importance of ongoing monitoring and improvement. The financial reporting process should be reviewed regularly to identify any areas for improvement and to ensure that it remains up-to-date and effective. This may involve consulting with external auditors and other experts in the field.

No. 67

Order (O.102,r.18)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 19

IN THE MATTER OF SECTION 178 OF THE COMPANIES LAW
(1998 REVISION)

AND IN THE MATTER OF *[state name of company]*

ORDER

UPON READING the Originating Application dated _____ and the supporting affidavit sworn by _____ on _____

IT IS ORDERED that:

1. *[state name of company]* (registration no. _____) shall be restored to the register of companies upon-
 - a. paying to the Registrar of Companies the sum of CI\$ _____ in respect of the reinstatement fee and outstanding annual return fees; and
 - b. filing with the Registrar of Companies a notice that its registered office shall henceforth be at *[state address]*.
2. notice of this Order shall be published in the Gazette.

DATED _____

Clerk of the Court

This Order was filed by *[name of applicant or his attorney]*, whose address for service is *[state address within the jurisdiction]*.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data security and privacy. It provides guidance on implementing robust security measures to protect sensitive information and ensure compliance with relevant regulations.

5. The fifth part of the document discusses the importance of data quality and the steps taken to ensure it. It emphasizes that high-quality data is crucial for generating meaningful insights and making informed business decisions.

6. The sixth part of the document explores the various applications of data analysis in different business contexts. It provides examples of how data insights can be used to optimize performance, identify trends, and forecast future outcomes.

7. The seventh part of the document concludes by summarizing the key points discussed and reiterating the importance of a data-driven approach in today's competitive business environment.

8. The eighth part of the document provides a list of references and resources for further reading on the topics discussed in the document.

9. The ninth part of the document includes a glossary of key terms and definitions used throughout the document to ensure clarity and consistency.

No. 68

Petition (O.102,r.19)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 19

IN THE MATTER OF SECTIONS 94 AND 178 OF THE COMPANIES LAW
(1998 REVISION)

AND IN THE MATTER OF *[state name of company]*

PETITION

TO: The Grand Court of the Cayman Islands

The petition of *[state name and address of petitioner]* shows that:

1. *[state name of company]* ("the Company") was incorporated and registered (registration no. _____) on *[state date]* under the Companies Law.
2. The last known registered office of the Company was at *[state address]*.
3. The Company was struck off the register of companies on *[state date]*.
4. The Governor in Council has consented to the presentation of this petition *[only applicable if the petition is presented more than two years after the date on which the Company was struck off the register of companies]*.
5. The amount of the reinstatement fee payable upon restoring the Company to the register of companies is CI\$_____.
6. *[Where the petitioner is a creditor]* The Company is indebted to your petitioner in the sum of *[state amount and give particulars of the circumstances in which the debt arose]*.
[In cases where the petitioner is a claimant]. Your petitioner has a claim against the Company for *[state the nature of the claim and the circumstances in which it arose]*.
7. In the circumstances, it is just and equitable that the Company be restored to the register of companies and wound up under the provisions of the Companies Law.

The petitioner therefore prays that:

1. the Company be restored to the register of companies;
2. the Company be wound up by the Court pursuant to the Companies Law;
3. *[state name]* of *[state address]* be appointed Official Liquidator of the Company;
4. such other order or directions may be made as the Court thinks fit.

DATED _____

SIGNED _____

It is intended to serve this Petition upon:

1. The Registrar of Companies
2. The Company at its last known registered office.

This Petition was filed by *[name of applicant or his attorney]*, whose address for service is *[state address within the jurisdiction]*.

No. 69

Order (O.102,r.19)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Hon. Mr. Justice _____

CAUSE NO: OF 19

IN THE MATTER OF SECTIONS 94 AND 178 OF THE COMPANIES LAW
(1998 REVISION)

AND IN THE MATTER OF *[state name of company]*

ORDER

UPON HEARING counsel for *[state name of petitioner]* upon his petition dated *[state date]*

AND UPON reading the affidavit of *[state name]* filed on behalf of the petitioner

AND UPON reading the affidavit of service of *[state name]*

IT IS ORDERED that:

1. *[state name of company]* ("the Company") be restored to the register of companies upon payment of a reinstatement fee of CI\$_____.
2. The Company be wound up in accordance with the provisions of the Companies Law (1998 Revision).
3. *[state name]* of *[state address]* be appointed as Official Liquidator of the Company.
4. *[further orders and directions]*
5. The Official Liquidator shall publish notice of this Order in the Gazette.
6. The petitioner's costs of and incidental to the petition shall be taxed and paid out of the assets of the Company.

DATED _____

FILED _____

Judge of the Grand Court

This Order was filed by *[name of petitioner or his attorney]*, whose address for service is *[state address within the jurisdiction]*.

