

CAYMAN ISLANDS

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**THE GRAND COURT LAW (AMENDMENT)
ORDER, 1995**

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ARRANGEMENT OF PARAGRAPHS

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CAYMAN ISLANDS (CONSTITUTION) ORDERS 1972-1993

GRAND COURT LAW (AMENDMENT) ORDER, 1995

In exercise of the powers conferred upon me by section 28 of the Cayman Islands (Constitution) (Amendment) Order, 1993 (U.K.S.I. 1993 No. 3143), I, Michael E.J. Gore, Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, hereby make the following Order-

Citation

1. This Order may be cited as the Grand Court Law (Amendment) Order, 1995.

Amendment of s.2 of the Grand Court Law

2. Section 2 of the Grand Court Law (Law 8 of 1975) (hereinafter referred to as “the principal Law”) is amended by the insertion, in its appropriate alphabetical order, of the following definition-

““Constitution” means the Constitution of the Cayman Islands (as amended) set out in Schedule 2 to the Cayman Islands (Constitution) Orders 1972-1993;”.

Repeal and replacement of ss. 3, 4 and 5 of the principal Law

3. Sections 3, 4 and 5 of the principal Law are repealed and replaced by the following three new sections-

3. The Grand Court for the Cayman Islands shall continue as reconstituted by the Constitution and this Law and shall have and exercise the jurisdiction and powers therein and hereinafter provided.

“Grand Court to be constituted and exercise jurisdiction under the Constitution and this Law

Style and constitution of the Court

4. The Court shall continue to be named “The Grand Court of the Cayman Islands” and shall consist of the Chief Justice and one or more other Judges who shall exercise all the jurisdiction of the court and who shall have seniority, following the Chief Justice, in an order to be determined by the Governor, the Chief Justice having responsibility for and management of all matters arising in judicature:

Provided that the court shall be deemed to be duly constituted during and notwithstanding any vacancy in the office of Chief Justice or of any Judge.

Seal of the court

5. The seal of the Court as provided for in section 49H(2) of the Constitution shall be kept in the custody of the Clerk of the Court, in accordance with any directions which the Chief Justice may give in that behalf, and all writs and other processes of the court shall be sealed herewith.”.

Amendment of s.6 of the principal Law

4. Section 6 of the principal Law is amended-

- (a) by the repeal of subsection (1) and the replacement thereof by the following new subsection-
“(1)The Governor, acting in his discretion, shall appoint persons who are qualified for appointment under subsection (2) to be the Chief Justice and the Judges. The person appointed to be Chief Justice shall take precedence of and have seniority over the other Judges.”; and
- (b) by the repeal of subsections (3), (4) and (5).

Repeal of ss. 7 and 8 of the principal Law

5. Sections 7 and 8 of the principal Law are repealed.

Amendment of s.9 of the principal Law

6. Section 9 of the principal Law is amended-

- (a) in subsection (1), by the deletion of the words “Judge or senior Judge” and “Judge” and the substitution therefor in each case of the words “Chief Justice”; and
- (b) in subsection (3), by the deletion of the words “the Judge”, where those words first occur, and the substitution therefor of the words “the Chief Justice” and by the deletion, in paragraph (b), of the words “the Judge” and the substitution therefor of the words “a Judge”.

Amendment of s.10 of the principal Law

7. Section 10 of the principal Law is amended, in subsection (2), by the deletion of the words “the Judge” and the substitution therefor of the words “ the Chief Justice”.

Amendment of s.30 of the principal Law

8. Section 30 of the principal Law is amended-

- (a) in subsection (1), by the deletion of the words “Neither the Judge, nor any person acting as Judge under the provisions of section 7 or 8” and the substitution therefor of the words “Neither the Chief Justice nor any Judge nor any person acting as Chief Justice or Judge under section 49 K of the Constitution”; and
- (b) in subsection (2), by the deletion of the words “the Judge” wheresoever those words occur and the substitution therefor in each case of the words “a Judge”.

Amendment of s.31 of the principal Law

9. Section 31 of the principal Law is amended, in paragraph (b), by the deletion of the words “the provisions of the Grand Court Law” and the substitution therefor of the words “Part V A of the Constitution”.

Made the 26th day of January, 1995.

Michael E.J. Gore
Governor of the Cayman Islands

EXPLANATORY NOTE

(This Note Is Not Part Of The Order)

Section 28(2) of the Cayman Islands (Constitution) (Amendment) Order 1993 (U.K.S.I. 1993 No. 3143) provides that the Governor may, by Order published in the Gazette, at any time within twelve months of the coming into force of that Order, make such amendments or modifications to any law relating to the existing Grand Court as may be necessary or expedient for bringing that law into conformity with that Order.

The aforesaid Order inserted a new Part V A into the Constitution which specifies the composition and constitution of the Grand Court, the tenure of offices of the Judges thereof, the appointment of acting Judges and other matters.

These Constitutional provisions have the effect of making certain sections of the Grand Court Law either inconsistent with the Constitution or redundant. The object of the present Order is to bring the Grand Court Law into conformity with the Constitution.