

CAYMAN ISLANDS



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THE PRACTICE DIRECTION NO 2/2012

PRACTICE DIRECTION

NO. 2 OF 2012

**PROCEEDINGS IN THE GRAND COURT
IN WHICH THE JUDGE PRESIDES FROM OVERSEAS**

In keeping with the Grand Court (Amendment No. 2) Rules 2011 which confirm the jurisdiction of a judge who is physically outside the Islands to hold interlocutory hearings, the following shall apply:

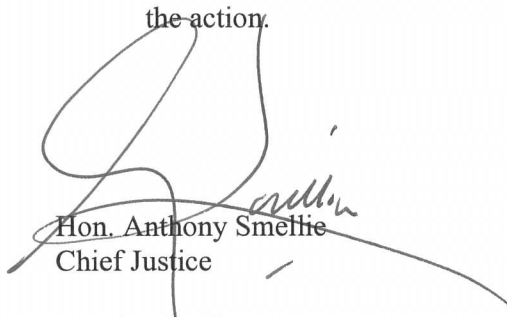
- (i) Following the directions of the Judge for the convening of the hearing, the applicant's attorney shall make arrangements with the Registrar of the Financial Services Division (or with the Clerk of Courts in respect of other Divisions) for the telecommunication link to be made (whether by telephone or televideo conference) ('the link').
- (ii) The link may be made by use of "Skype" or similar service or by Cable and Wireless "Call Centre" or televideo conference service, as the Judge may direct.

The costs of the link, if any, will be assumed in the first instance by the applicant and payment made upon presentation with the monthly invoice by the Court Administration.
- (iii) All hearings will require attendance at Chambers by the applicant's attorney and (where appropriate or required, by the attorneys of other parties) and will be commenced by the engagement of the link to other participants as allowed by the Judge and to the Judge, at the time assigned. The Judge will then direct the conduct of the hearing.
- (iv) Unless otherwise directed by the Judge, an accurate note of the hearing shall be kept by the applicant's attorney and presented to the Registrar for acceptance by

the Judge as the record of the hearing. For these purposes, a printed record provided by the Cable and Wireless Call Centre Services may, if accepted by the Judge, suffice.

Whenever the Court's digital recorders are used for recording the hearing, the applicant's attorney may rely on that recording but will nonetheless be responsible for having the recording transcribed and submitted to the Registrar.

- (v) A marshal of the Court (or other court officer) assigned by the Registrar with the agreement of the Judge, shall be present during the hearing to assist, if needs be, with the engagement of the link, with the recording of the proceedings and, as may be required, to assist the Judge.
- (vi) That officer will keep the log of the time of beginning and end of the link for the purposes of record keeping and invoicing.
- (vii) All orders declared by the Judge shall be formally extracted by the applicant's attorney and presented to the Registry (where appropriate, with the agreement of any other party) for acceptance and execution by the Judge.
- (viii) Together with the note of the hearing (as approved by the Judge), the formal orders will be entered and kept on the respective Court file as part of the record of the action.



Hon. Anthony Smellie
Chief Justice

March 9 2012