

## CAYMAN ISLANDS



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### **GRAND COURT LAW (2008 REVISION) GRAND COURT (AMENDMENT NO 3) RULES 2012**

## **GRAND COURT LAW (2008 REVISION)**

### **THE GRAND COURT (AMENDMENT NO 3) RULES 2012**

These Rules are made by the Rules Committee pursuant to Section 19(3) of the Grand Court Law (2008 Revision).

#### **1. Citation, Commencement and Interpretation.**

- (1) These Rules shall be referred to as the Grand Court (Amendment No 3) Rules 2012.
- (2) These Rules shall come into operation on the 1st day of February 2013 referred to in these Rules as the "Commencement Date".
- (3) These Rules shall apply to every proceeding which is pending or commenced in the Court on or after the Commencement Date.
- (4) Words and expressions in these Rules which are also used in the Grand Court Rules 1995 (Revised Edition) shall have the same meaning in these Rules as they have in the Grand Court Rules 1995 (Revised Edition).

#### **2. Revocation and Replacement of Order 63**

- (1) GCR Order 63 is hereby revoked and replaced by the Order contained in the Schedule hereto.

Made by the Rules Committee on the 17th day of December 2012.

The Honourable Anthony Smellie QC, Chief Justice

The Honourable Sam Bulgin QC, Attorney General

Graham Ritchie QC, Legal Practitioner

Colin D. McKie, Legal Practitioner

**ORDER 63****OFFICE OF THE GRAND COURT****Distribution of business in the Court (O. 63, r. 1)**

- 1.** The office of the Court shall be divided into such departments and the business performed in the office of the Court shall be distributed amongst the departments in such manner as the Chief Justice may direct.

**Court files (O. 63, r. 2)**

- 2.** (1) The Clerk of the Court shall create a Court file in respect of every proceeding immediately prior to issuing the writ, originating summons, originating motion or petition by which such proceeding is commenced.
- (2) The Court file shall be identified by the cause number and, subject to paragraph (3), the full title of the proceeding to which it relates.
- (3) If the full title of the proceeding is too long to be typed or printed on one sheet of 11" x 8-1/2" paper, the Court file shall be given an abbreviated title.
- (4) If the Court file comprises more than one volume, each volume shall be identified by the cause number, the full or abbreviated title of the proceeding, as appropriate, the volume number in a chronological sequence and the period of time to which the volume relates.

**Filing of documents (O. 63, r. 3)**

- 3.** (1) Every document required to be filed in any proceeding must be placed on the Court file relating to such proceeding and sealed with a seal showing the date upon which the document was filed.
- (2) Any document requiring to be filed which is more than 50 pages shall be placed in a ring binder or otherwise suitably bound and be kept with and deemed to form part of the Court file.
- (3) Subject to paragraphs (4) and (5), the Court file relating to any proceeding shall be open to inspection only by the parties to that proceeding.
- (4) The Court may order that the Court file relating to any proceeding or any specific document therein be closed and not open to inspection by any party or other person except with the prior leave of the Court.
- (5) The Court may give leave on application to any person not a party to the proceedings to inspect the Court file or to take a copy of any document on the Court file relating to those proceedings.

- (6) This rule shall have no application to Court files in respect of proceedings relating to –

- (a) the estate of any deceased person;
- (b) the winding up of any company; or
- (c) the bankruptcy of any person,

which shall be open to inspection in accordance with the Succession Law (1995 Revision); the applicable winding up rules; and The Grand Court (Bankruptcy) Rules 1977, respectively.

**Restriction on removal of documents (O. 63, r. 4)**

4. (1) No document shall be removed from a Court file except –
- (a) by order of the Court; or
  - (b) by the Clerk of the Court in the event that it has been mistakenly placed on the wrong Court file.
- (2) A document may be temporarily removed from the Court file by or with the permission of the Clerk of the Court for the purpose of photocopying it.
- (3) When a Court file is contained in more than one volume, the volumes shall not be separated unless they are so numerous or so large that it is inconvenient for the Judge using such file to have before him the whole of it.

**Identity of party filing documents (O. 63, r. 5)**

5. Every document filed in or process issued out of the Court office shall contain a statement (at the foot of each page) of the name and address of the party or his attorney responsible for filing or issuing it, as the case may be.

**Deposit of documents (O. 63, r. 6)**

6. (1) Where the Court orders any documents to be deposited in Court they must, unless otherwise directed, be deposited with the Clerk of the Court.
- (2) No document deposited in accordance with paragraph (1) shall be taken out of the Court office without the leave of the Court.

**Register of judgments (O. 63, r. 7)**

7. (1) The Clerk of the Court shall create a file upon which shall be placed an office copy of every final judgment given or made by the Court of the kind referred to in

Order 42, rule 5(8), unless otherwise directed by the Court, which shall be referred to as "the Register of Judgments".

- (2) The Register of Judgments shall be open to public inspection upon payment of the prescribed fee.
- (3) Any person shall be entitled, upon payment of the prescribed fee, to obtain from the Clerk of the Court a certified copy of any judgment or order contained in the Register of Judgments.

**Register of writs and other originating process (O. 63, r. 8)**

- 8. (1) The Clerk of the Court shall create a file containing, in chronological order, an office copy of every writ, originating summons, originating motion or petition issued by the Court, which shall be referred to as "the Register of Writs and other Originating Process".
- (2) The Register of Writs and other Originating Process shall be open to public inspection upon payment of the prescribed fee.
- (3) Any person shall be entitled, upon payment of the prescribed fee, to obtain from the Clerk of the Court a certified copy of any writ, originating summons, originating motion or petition contained in the Register of Writs and other Originating Process.

**Office hours (O.63, r.9)**

- 9. The office of the Court shall be open on every day of the year except -
  - (a) Saturdays and Sundays; and
  - (b) public holidays.

The hours during which the office of the Court shall be open to the public shall be such as the Chief Justice may from time to time direct.