

CAYMAN ISLANDS



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THE COURT OF APPEAL (SPECIAL SITTINGS) RULES 2009

COURT OF APPEAL LAW (2006 REVISION)

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The Rules Committee of the Court, in exercise of the power conferred by section 35(3) of the Court of Appeal Law (2006 Revision), makes the following Rules:

Citation

1. These Rules may be cited as the Court of Appeal (Special Sittings) Rules 2009.

Interpretation

2. (1) In these Rules -

“the Court of Appeal Rules” means the Court of Appeal Rules (2004 Revision) as amended from time to time.

“special sitting” means a sitting of the Court other than a sitting of which notice has been published pursuant to Rule 4(1) of the Court of Appeal Rules.

(2) Words and expressions defined in the Court of Appeal Law (2006 Revision) and in the Court of Appeal Rules (2004 Revision) as amended and shall bear the same meanings in these Rules.

Special Sittings

3. (1) A party to any civil proceedings in which any judgment of the Grand Court has been given or made or a person convicted after trial in the Grand Court may apply for a special sitting of the Court.

(2) In a case where leave to appeal is required (and has not been obtained) an application for such leave must be made before or at the same time as any application for a special sitting.

(3) The application for a special sitting must be made to the Registrar in writing and must contain –

- (a) a concise description of the proceedings in the Grand Court;
 - (b) a copy of the judgment or order appealed against;
 - (c) a copy of the Judge's reasons (if available);
 - (d) a copy of the notice and grounds of appeal (or, in a case where leave to appeal is required, a draft of the intended notice and grounds of appeal);
 - (e) the grounds upon which it is contended that a special sitting is necessary (including, in particular, the date by which it is said to be necessary in the interests of justice that the appeal be determined);
 - (f) an estimate of the time required to hear and determine the appeal; and
 - (g) a certificate that copies of the application and other documents referred to in this sub-rule have been served on such of the parties to the appeal or proposed appeal (who have not themselves joined in the application) in accordance with sub-rule (4).
- (4) Unless the application for a special sitting is made jointly by all the parties to the appeal or proposed appeal, it must be served on the other parties.
- (5) A party on whom an application for a special sitting is served in accordance with sub-rule (4) must inform the Registrar within 3 days of service whether –
- (a) they oppose that application; and, if so,
 - (b) the grounds upon which they contend that a special sitting of the Court is not necessary in the interests of justice.
- (6) An application for a special sitting (together with any notice of opposition under sub-rule (5)) shall be referred to the President (or such other member of the Court as the President may direct).
- (7) In determining whether to direct a special sitting the President (or other member of the Court to whom the application has been referred) shall satisfy himself that –
- (a) a special sitting is necessary in the interests of justice; and
 - (b) having regard to the availability of Judges to hear the appeal or proposed appeal, it is practicable to convene a special sitting of the Court before the date by which the appeal needs to be determined.
- (8) The decision of the President (or other member of the Court to whom the application has been referred) whether, and if so for what dates, to direct a special sitting shall be final.

Commencement

4. These Rules shall come into force on the 1st day of January 2010.

Made by the Rules Committee of the Court of Appeal on the 26th day of November 2009

The Right Honourable Sir John Chadwick, President

The Honourable Ian Forte QC, Justice of Appeal

The Honourable Elliott Motley QC, Justice of Appeal