

CAYMAN ISLANDS



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CHILDREN LAW (GRAND COURT) (AMENDMENT) RULES, 2015

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These Rules are made by the Rules Committee pursuant to Section 86 of the Children Law (2012 Revision).

1. Citation, Commencement and Interpretation.

(1) These Rules shall be referred to as the Children Law (Grand Court) (Amendment) Rules, 2015.

(2) These Rules shall come into operation on the 3rd day of August 2015 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 Children Law (Grand Court) Rules, 2013 shall have the same meaning in these Rules as they have in the Children Law (Grand Court) Rules, 2013.

2. Addition of Part V to the Children Law (Grand Court) Rules 2013

(1) Part V- Miscellaneous Applications under the Children Law (2012 Revision) is hereby added to the Children Law (Grand Court) Rules, 2013 contained in the Schedule hereto.

Made by the Rules Committee on the 9th day of July 2015.

The Honourable Anthony Smellie QC, Chief Justice

The Honourable Sam Bulgin QC, Attorney General

Colin McKie QC, Legal Practitioner

Hector Robinson, Legal Practitioner

PART V – MISCELLANEOUS APPLICATIONS UNDER THE CHILDREN LAW (2012 REVISION)

5.1 Applications to prohibit the taking of a child out of the Islands (Section 10)

(1) Upon an application to make a prohibited steps order to prohibit a person (a "Prohibited Person") from taking a child out of the Islands, or causing a child to be taken out of the Islands, without the permission of the Court, if the Court is satisfied that it should make such an order it shall in every case order that:

(a) a copy of the order be served on the Chief Immigration Officer and any other person that the Court may see fit, and it may also order:

(b) that the Prohibited Person state on oath whether or not he has in his possession, custody or power any passport or other travel document (a "Passport") that relates to the child and, if so, that he shall forthwith deliver or cause to be delivered the Passport to the Clerk of the Court who shall hold it until further order;

(c) that the Prohibited Person state on oath whether or not he is aware that any other person has or may have in that person's possession, custody or power any Passport that relates to the child and, if so, that he identify that person;

(d) that the Prohibited Person state on oath whether or not he is aware of any pending application for the issue of any Passport that relates to the child and, if so, that he provide full details of that application insofar as they are known to him;

(e) that the Prohibited Person shall not make any application for the issue of any Passport that relates to the child without the prior permission of the Court;

(f) that the Prohibited Person shall not do any of the prohibited acts set out in the order through another person acting on his behalf or on his instructions or with his encouragement; and

(g) that any person who is given notice of the order shall not knowingly assist in or permit a breach of the order by the Prohibited Person.

(2) Upon service of the order on the Chief Immigration Officer, every immigration officer (being a constable) is required to obey the terms of the order.