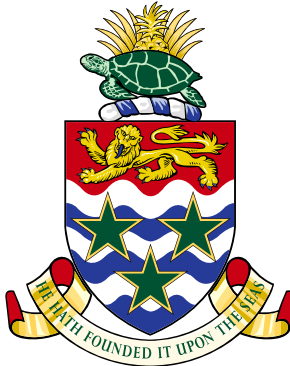


CAYMAN ISLANDS



**Grand Court Act
(2015 Revision)**

GRAND COURT (AMENDMENT) RULES, 2024

(SL 36 of 2023)

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GRAND COURT ACT (2015 REVISION)

THE GRAND COURT (AMENDMENT) RULES 2024

These Rules are made by the Rules Committee pursuant to Section 19(3) of the Grand Court Act (2015 Revision).

1. Citation, Commencement and Interpretation.

- (1) These Rules shall be referred to as the Grand Court (Amendment) Rules 2024.
- (2) These Rules shall come into operation on the 10th day of January 2024 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.
- (5) Words and expressions in these Rules which are also used in the Grand Court Rules 1995 (2022 Consolidation) (as revised and amended) shall have the same meaning in these Rules as they have in the Grand Court Rules 1995 (2022 Consolidation) (as revised and amended).

2. Order 1

- (1) With effect from the Commencement Date, GCR Order 1 is hereby revoked and it is replaced by Order 1 in the form annexed hereto.

3. Order 64

- (1) GCR Order 64, in the form annexed hereto, shall come into force on the Commencement Date.

Made by the Rules Committee on the 2nd day of January 2024.

The Honourable Margaret Ramsay-Hale, Chief Justice

The Honourable Samuel Bulgin KC, Attorney General

Colin McKie KC, Legal Practitioner

Colette Wilkins KC, Legal Practitioner

ORDER 1

CITATION, APPLICATION, COMMENCEMENT, INTERPRETATION AND FORMS

Citation (O. 1, r. 1)

1. (1) These Rules may be cited as the *Grand Court Rules (2023 Revision)*.
- (2) An individual rule may be cited using the abbreviation "GCR".

Application (O. 1, r. 2)

2. (1) Subject to the following provisions of this rule, these Rules shall apply in relation to all proceedings in the Court.
- (2) Except for Part I of O. 52 (Committal), O. 53 (Applications for Judicial Review), Part III of O. 62 (Wasted Costs Orders) and O. 103 (Confidential Information Disclosure Act, 2016), these Rules shall not apply to any criminal proceedings.
- (3) The Probate Registry established pursuant to Rule 3 of the Probate and Administration Rules (*as amended and revised*) shall continue as part of the Civil Division of the Grand Court but these Rules shall not apply to any application made under the Probate and Administration Rules (*as amended and revised*)
- (4) Except for Orders 3 (Time), 4 (Assignment, Transfer and Consolidation of Proceedings), 5 (Mode of Beginning Proceedings), 38 Part II (Writs of Subpoena), 39 (Evidence by Deposition), 62 (Costs), 64 (Sittings and Vacations), 67 (Change of Attorney), 45-51 (Enforcement) and 52 (Committal) these Rules shall not apply to any proceedings which are —
 - (a) governed by the Matrimonial Causes Rules (*as amended and revised*),
 - (b) governed by the Grand Court (Bankruptcy) Rules (*as amended and revised*),
 - (c) governed by the Companies Winding Up Rules (*as amended and revised*); or
 - (d) on appeal from civil proceedings in the Summary Court.
- (5) Notwithstanding the provisions of paragraphs (2) to (4) of this rule —
 - (a) every affidavit or other document filed in the Court office shall comply with the requirements of Orders 41 and 66;

- (b) every judgment and order made by the Court shall comply with the requirements of O. 42;
 - (c) except in the case of petitions in proceedings governed by the Matrimonial Causes Rules (*as amended and revised*), every originating process or other document required to be served by these Rules or any other rules in connection with any civil proceedings shall be served in accordance with Orders 10 and 65;
 - (d) Part I of O. 80 shall apply to every proceeding to which a person under disability is a party; and
 - (e) every interlocutory summons issued by the Court, including summonses issued in proceedings governed by the Matrimonial Causes Rules (*as amended and revised*) and those issued in proceedings under the Companies Winding Up Rules (*as amended and revised*), shall be endorsed in accordance with O. 32, r. 2 (4), and O. 32, rr. 2 to 8 shall apply to the hearing of such summonses.
- (6) All funds required to be paid into or out of Court, whether by order of the Court of Appeal, the Court, the Summary Court or otherwise, in both criminal and civil proceedings, shall be lodged, paid, invested and dealt with in accordance with the provisions of O. 92.

Commencement and transitional provisions (O. 1, r. 3)

3. (1) These Rules came into operation on the 1st day of June, 1995, referred to in this Order as the "**commencement date**".
- (2) These Rules shall apply to —
- (a) every proceeding commenced on or after the commencement date; and
 - (b) every step taken or required to be taken after the commencement date in any proceeding pending on that date.
- (3) No step taken or required to be taken before the commencement date shall be treated as a non-compliance with these Rules provided that it complied with the rules then in force.
- (4) Order 6, rule 8 shall have no application to writs issued prior to the commencement date.

Revocations (O. 1, r. 4)

4. The following rules are hereby revoked with effect from the commencement date —
- (a) the Grand Court (Civil Procedure) Rules 1976, as amended;
 - (b) the Grand Court (Admiralty) Rules 1977;
 - (c) the Grand Court (Forms and Miscellaneous) Rules 1976;
 - (d) the Civil Evidence Rules 1978;
 - (e) the Grand Court (Proceedings by and against the Crown) Rules 1977;
 - (f) Part IV of the Succession Law (Probate and Administration) Rules 1977, as amended;
 - (g) the Grand Court (Applications for Orders of Mandamus, Prohibition, *Certiorari and Habeas Corpus*) Rules 1977;
 - (h) the Grand Court (Foreign Process) Rules 1977 (*as amended*); and
 - (i) the Grand Court (Foreign Judgments) (Reciprocal Enforcement) Rules 1977.

Non application of English rules (O. 1, r. 5)

5. (1) Except as provided in O. 75, r. 2, the Rules of the Supreme Court 1965 shall cease to have any application to –
- (a) every proceeding commenced on or after the commencement date; and
 - (b) any step taken or required to be taken after the commencement date in any proceeding pending on that date.
- (2) Notwithstanding paragraph (1), The Supreme Court Practice 1999 may be relied upon where appropriate as an aid to the interpretation and application of these Rules.

Application of Interpretation Act (*as amended and revised*) (O. 1, r. 6)

6. The *Interpretation Act (as amended and revised)* shall apply to the interpretation of these Rules as it applies to the interpretation of a Law.

Definitions (O. 1, r. 7)

7. (1) In these Rules, unless the context otherwise requires —

"Courts Administrator" means the Courts Administrator of the Grand Court appointed under paragraph 1 of the First Schedule of the *Judicature Act (as amended and revised)* or an officer appointed by the Courts Administrator under O. 92, r. 6;

"Admiralty Judge" means a Judge who is appointed to try admiralty proceedings commenced in or transferred to the Admiralty Division of the Court;

"admiralty proceeding" shall mean any admiralty action, limitation action or other proceeding governed by Orders 74 or 75;

"an action for personal injuries" means an action in which there is a claim for damages in respect of personal injuries to the plaintiff or any other person or in respect of a person's death, and **"personal injuries"** includes any disease and any impairment of a person's physical or mental condition;

"attorney" means a person admitted or otherwise entitled to practise as an attorney-at-law in the Cayman Islands either generally or in respect of a particular cause or matter and includes Crown Counsel;

"Bailiff" means the person appointed as such under Section 7(1) of the *Grand Court Act (as amended and revised)*, and includes any assistant bailiffs;

"Chief Justice" means the Chief Justice of the Cayman Islands or any other Judge authorised to act as Chief Justice;

"Chief Marshall" means the person appointed as such under Section 7(1) of the *Grand Court Act (as amended and revised)* and includes any deputies and assistants;

"Clerk of the Court" means the person appointed as such under Section 7(1) of the *Grand Court Act (as amended and revised)*, and includes any deputies;

"Commercial Judge" means a Judge who is appointed to try financial services proceedings commenced in or transferred to the Financial Services Division of the Court;

"the Court" means the Grand Court of the Cayman Islands constituted pursuant to the Constitution and Section 3 of the *Grand Court Act (as amended and revised)* whether sitting as the Grand Court or as the Chief Court of Bankruptcy or as a Colonial Court of Admiralty;

"Court Funds Office" means the office of the Courts Administrator or of an officer appointed by the Courts Administrator under O. 92, r. 6;

"Court office" is the office established pursuant to Section 10 of the *Grand Court Act (as amended and revised)*;

"Court file" means the file established in respect of every proceeding in accordance with O. 63, r. 2;

"family proceeding" shall include —

- (a) any petition for divorce, judicial separation or nullity of marriage presented pursuant to the *Matrimonial Causes Act (as amended and revised)* and any ancillary proceeding arising thereunder;
- (b) any application under Part I, Part II, Part IV or Part V of the *Children Act (as amended and revised)*, the *Adoption of Children Act (as amended and revised)*, the *Marriage Act (as amended and revised)* or the *Civil Partnership Act (as amended and revised)*;
- (c) any application under the *Protection from Domestic Violence Act (as amended and revised)*;
- (d) any application under the *Child Abduction and Custody (Cayman Islands) Order 1997 [UKSI 2754/1997]*;
- (e) proceedings under the inherent jurisdiction of the Grand Court in relation to children; or
- (f) any appeal from an order of the Summary Court made under Part I, Part II, or Part IV of the *Children Act (as amended and revised)*; the *Protection from Domestic Violence Act (as amended and revised)*, the *Affiliation Act (as amended and revised)*; the *Maintenance Act (as amended and revised)* the *Marriage Act (as amended and revised)* or the *Civil Partnership Act (as amended and revised)*;

"financial services proceeding" shall have the meaning ascribed to it by O. 72, r. 1(2)

"Grand Court Act" means the *Grand Court Act (as amended and revised)*;

"Judicature Act" means the *Judicature Act (as amended and revised)*;

"Judge" means any judge or acting judge of the Court;

"**notice of intention to defend**" means an acknowledgment of service containing a statement to the effect that the person by whom or on whose behalf it is signed intends to contest the proceedings to which the acknowledgment relates;

"**originating summons**" means every summons other than a summons in a pending cause or matter;

"**pleading**" does not include a petition, summons or preliminary act;

"**practice form**" means a form contained in a practice direction issued pursuant to O. 1, r. 12;

"**prescribed fee**" means the fee prescribed by the *Court Fees Rules (as amended and revised)*;

"**prescribed form**" means a form prescribed by these Rules and contained in the Appendices;

"**prescribed rate**" means the applicable rate of interest prescribed from time to time by the Rules Committee pursuant to Section 34 of the *Judicature Act (as amended and revised)*;

"**probate action**" has the meaning assigned by O. 76;

"**receiver**" includes a manager;

"**Register of Judgments**" means the file maintained in accordance with Order 63, rule 7;

"**Register of Writs**" means the file maintained in accordance with O. 63, r. 8;

"**State Immunity Act 1978**" means the United Kingdom's *State Immunity Act 1978* as applied to the Cayman Islands by the *State Immunity (Overseas Territories) Order 1979 [UKSI 1979/458]*; and

"**writ**" means a writ of summons.

- (2) In these Rules, unless the context otherwise requires, "**the Court**" means the Grand Court or any one or more Judges thereof, whether sitting in open Court or in chambers.
- (3) In these Rules, unless the context otherwise requires, a reference to acknowledging service of a document or giving notice of intention to defend any proceedings is a

reference to lodging in the Court office an acknowledgment of service of that document or, as the case may be, a notice to defend those proceedings.

Construction of references to orders, rules, etc. (O. 1, r. 8)

8. (1) Unless the context otherwise requires, any reference in these Rules to a specified Order, rule or form in the *Grand Court Rules - Vol I - Orders (as amended and revised)* and the *Grand Court Rules - Vol II - Forms (as amended and revised)* is a reference to that Order or rule of these Rules and any reference to a specified rule, paragraph or subparagraph is a reference to that rule of the Order, that paragraph of the rule, or that subparagraph of the paragraph, in which the reference occurs.
- (2) Any reference in these Rules to anything done under a rule of these Rules includes a reference to the same thing done before the commencement date under any corresponding rule of Court ceasing to have effect on the commencement date.
- (3) Except where the context otherwise requires, any reference in these Rules to any Law shall be construed as a reference to the Law as amended, extended or applied by or under any other Law.

Construction of references to action, etc. for possession of land (O. 1, r. 9)

9. Except where the context otherwise requires, references in these Rules to an action or claim for the possession of land shall be construed as including references to proceedings against the Crown for an order declaring that the plaintiff is entitled as against the Crown to the land or to the possession thereof.

Prescribed forms (O. 1, r. 10)

10. The forms in the *Grand Court Rules - Vol II - Forms (as amended and revised)* shall be used where applicable with such variations as the circumstances of the particular case require.

Use of English Practice Forms as precedents (O. 1, r. 11)

11. The Queen's Bench and Chancery Masters' Practice Forms contained in Part 2 of The Supreme Court Practice 1999 are not incorporated in these Rules, but they shall be regarded as approved precedents to be used, with all necessary variations, whenever it is practical and appropriate to do so.

Practice directions (O. 1, r. 12)

12. (1) The Chief Justice may issue practice directions for the purpose of —
- (a) supplementing these Rules, provided that no practice direction shall revoke or vary any rule;
 - (b) establishing forms to be known as "**practice forms**" in respect of any matter in which no prescribed form is contained in the *Grand Court Rules - Vol II - Forms (as amended and revised)*; and
 - (c) providing for the practice and procedure of the Court in respect of any matter not governed by these or any other rules.
- (2) The Rules Committee shall from time to time issue practice directions containing guidelines relating to the matters referred to in O. 62, r. 16.
- (3) The Courts Administrator may, with the concurrence of the Chief Justice, issue practice directions for the purpose of supplementing the provisions of O. 92 and establish practice forms in respect of any matter relating to O. 92 for which no prescribed form is contained in the *Grand Court Rules - Vol II - Forms (as amended and revised)*.
- (4) All practice directions and practice forms issued pursuant to this rule shall be gazetted.
- (5) Any practice direction or practice form issued pursuant to this rule may be varied or revoked by the Chief Justice in the case of those issued by the Chief Justice or by the Courts Administrator in the case of those issued by the Courts Administrator.
- (6) Any practice direction or practice form may be revoked by the Rules Committee.

ORDER 64

SITTINGS AND VACATIONS

Sittings of the Grand Court (O. 64, r. 1)

1. The sittings of the Grand Court shall be three in every year, that is to say:
 - (a) the Spring sitting which shall begin on 4 January or the first working day immediately thereafter and end on the Wednesday before Easter Sunday;
 - (b) the Summer sitting which shall begin on the second Tuesday after Easter Sunday and shall end on 31 July or the last working day immediately beforehand;
 - (c) the Winter sitting which shall begin on the third Tuesday of September and shall end on 22 December or the last working Thursday immediately beforehand.

For the purpose of this rule 1, “working day” means a day on which the office of the Court is open pursuant to Order 63, rule 9.

No rule (O. 64, r. 2)

Judges of the Grand Court may sit in Vacation (O. 64, r. 3)

3.
 - (1) One or more judges assigned to the Civil, Family, and the Financial Services Divisions of the Court shall sit in vacation as the Chief Justice may from time to time direct to hear such causes, matters, or applications as require to be immediately or promptly heard.
 - (1A) The Chief Justice may direct a judge assigned to the Admiralty Division to sit in vacation to hear such causes, matters, or applications as the Chief Justice may determine.
 - (2) Any party to a cause, matter, or application may at any time apply to the Court in writing for an order that such cause, matter, or application be heard in vacation and, if the Court is satisfied that the cause, matter, or application requires to be immediately or promptly heard, it may make an order accordingly and fix a date for the hearing.
 - (3) Any judge of the Court may hear such other causes or matters in vacation as the Court may direct.

Business in Vacation (O. 64, r. 3A)

- 3A. Any party to a cause or matter may at any time apply to the Court in writing for an order that the Court:

- (a) complete such cause or matter in vacation if it is part-heard; and
- (b) deliver judgment in vacation.

No rule (O. 64, r. 4)

Hearings or trials in Cayman Brac during Vacation (O. 64, r. 5)

- 5. Any application made pursuant to rule 3(2) of this Order whereby the application, cause or matter be heard in Cayman Brac in vacation shall be determined by the Chief Justice.

No rule (O. 64, r. 6)

No rule (O. 64, r. 7)