

CAYMAN ISLANDS



Supplement No. published with Gazette No.
dated , 2013.

**A BILL FOR A LAW TO AMEND THE GRAND COURT LAW (2008
REVISION) IN ORDER TO PROVIDE FOR INTERIM RELIEF IN THE
ABSENCE OF SUBSTANTIVE PROCEEDINGS IN THE ISLANDS; AND
FOR INCIDENTAL AND CONNECTED PURPOSES**

THE GRAND COURT (AMENDMENT) BILL, 2013

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Grand Court Law (2008 Revision) in order to empower the Court to provide interim relief to parties in circumstances where the substantive proceedings have not originated within the Islands.

Clause 1 contains the short title and the commencement provisions.

Clause 2 removes reference to the Supreme Court of Judicature (Consolidation) Act, 1925 and replaces it with the Senior Courts Act, 1981 in keeping with the current designation.

Clause 3 inserts a new section 11A which seeks to empower the Court to appoint a receiver or to grant other interim relief in relation to proceedings which have been or are to be commenced in a court outside the Islands and are capable of giving rise to a judgment which may be enforced in the Islands under any law or at common law.

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ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Grand Court (Amendment) Law, 2013. Short title and commencement

(2) This Law shall come into force on such date as may be appointed by order made by the Governor in Cabinet.
2. The Grand Court Law (2008 Revision) is amended in section 11(1) by deleting the words “as constituted by the Supreme Court of Judicature (Consolidation) Act, 1925, and any Act of the Parliament of the United Kingdom amending or replacing that Act.” and by substituting the words “as constituted by the Senior Courts Act, 1981, and any Act of the Parliament of the United Kingdom amending or replacing that Act.”. Amendment of section 11 of the Grand Court Law (2008 Revision) - jurisdiction vested in the Court
3. The Grand Court Law (2008 Revision) is amended by inserting after section 11 the following section - Insertion of section 11A- interim relief in the absence of substantive proceedings in the Islands

“Interim relief in the absence of substantive proceedings in the Islands

11A. (1) The Court may by order appoint a receiver or grant other interim relief in relation to proceedings which-

- (a) have been or are to be commenced in a court outside of the Islands; and
- (b) are capable of giving rise to a judgment which may be enforced in the Islands under any Law or at common law.

(2) The Court may, pursuant to this section, grant interim relief of any kind which it has power to grant in proceedings relating to matters within its jurisdiction.

(3) An order under subsection (1) may be made either unconditionally or on such terms and conditions as the Court thinks fit.

(4) Subsection (1) applies notwithstanding that -

- (a) the subject matter of those proceedings would not, apart from this section, give rise to a cause of action over which the Court would have jurisdiction; or
- (b) the appointment of the receiver or the interim relief sought is not ancillary or incidental to any proceedings in the Islands.

(5) The Court may refuse an application for the appointment of a receiver or the grant of interim relief if, in its opinion, it would be unjust or inconvenient to grant the application.

(6) In exercising the power under subsection (1), the Court shall have regard to the fact that the power is-

- (a) ancillary to proceedings that have been or are to be commenced in a place outside the Islands; and
- (b) for the purpose of facilitating the process of a court outside the Islands that has primary jurisdiction over such proceedings.

(7) The Court has the same power to make any incidental order or direction for the purpose of ensuring the effectiveness of an order granted under this section as if the order were granted in relation to proceedings

commenced in the Islands.

(8) The power to make Rules under section 19 includes power to make Rules for-

- (a) the making of an application for appointment of a receiver or interim relief under subsection (1); and
- (b) the service out of the jurisdiction of an application or order for the appointment of a receiver or for interim relief.

(9) Any Rules made by virtue of this section may include incidental, supplementary and consequential provisions as the Rules Committee considers necessary.

(10) In this section, “interim relief” includes an interlocutory injunction.”

Passed by the Legislative Assembly the day of , 2013.

Speaker.

Clerk of the Legislative Assembly.