

I, _____, Attorney for _____ make oath and say as follows —
 I am instructed by _____ to apply for an order for the examination of the
 following witnesses —

_____ of _____
 _____ of _____

whose testimony in relation to the above matter the above-named foreign court is desirous
 of obtaining as appears by the Letter of Request (or as the case may be) the original and
 translation of which annexed hereto having been initialled by me for identification.

It is proposed that the said witnesses be examined upon oath in relation to the said
 matter by _____, an Attorney-at-law who in my opinion is a fit and proper person in that
 behalf.

Sworn, etc.

Form F.P. 12

CERTIFICATE UNDER THE FOREIGN TRIBUNALS
 EVIDENCE ACT 1865 OR THE EVIDENCE BY
 COMMISSION ACT 1869

I, _____, Judge of the Grand Court of the Cayman Islands, hereby certify that
 the documents annexed hereto are —

(a) the original order of this Court made the _____ day of _____ 19____, in the
 matter of _____ pending in the _____ at _____ in
 the _____ of _____, directing the examination of certain witnesses
 to be taken before the _____ and

(b) the examination and despositions taken in the premises; and
 (c) the original letter of request.

Dated the _____ day of _____ 19____.

Judge

Made by the Rules Committee of the Grand Court the 22nd day of April, 1977.

L.T. MOODY
 Judge
G.E. WADDINGTON
 Attorney General
J.E. STAFFORD
 Attorney-at-Law
T.M. BODDEN
 Attorney-at-law

CAYMAN ISLANDS



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Grand Court Law

GRAND COURT (FOREIGN
 PROCESS) RULES

5

Form F.P. 9

ORDER FOR SERVICE OUT OF THE JURISDICTION

In the Grand Court

In the matter of an intended action. —

Between , Plaintiff
and , Defendant

Upon reading the affidavit of of filed herein, it is ordered that the intended plaintiff have leave to issue a writ of summons (or as the case may be) against the intended defendant and to serve the same upon the said at and that the time for entry of appearance by the intended defendant be days after service upon him in the premises.

Dated the day of 19 .

.....
Judge.

Form F.P. 10.

CERTIFICATE OF SERVICE OF FOREIGN PROCESS

I, , Clerk of the Grand Court of the Cayman Islands, hereby certify that the documents annexed hereto are as follows—

1. The process received with a request for service
2. A copy of the evidence of service upon of the person named in the process.

And I certify that the service so proved, and the proof thereof are such as are required by the law and practice of the Grand Court and that the costs of affecting such service amounts to \$

Dated the day of 19 .

Form F.P. 11.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR
EXAMINATION OF WITNESS UNDER FOREIGN
TRIBUNALS EVIDENCE ACT 1856 OR EVIDENCE
BY COMMISSION ACT 1859.

In the matter of the above Acts and in the matter of an action now pending before the Court of the Cayman Islands.

Between
and

(OR if appropriate in the matter of the Extradition Act 1870)

4

by the day of 19
It is hereby ordered that the British Consul at be appointed a special
examiner for the purpose of recording the examination cross-examination and re-
examination upon oath or affirmation of the following witnesses upon the usual terms —

..... of
..... of

and that (here insert any special instructions)
and that the trial of this action be stayed until the filing of the depositions in the premises
and that the costs herein be costs in the cause.

Dated the day of 19

.....
Judge.

Form F.P. 8

ORDER UNDER THE FOREIGN TRIBUNALS EVIDENCE
ACT 1856 OR THE EVIDENCE BY COMMISSION ACT 1859

In the Grand Court

Cause No.

In the matter of the above Acts and in the matter of a case proceeding (now pending)
before intituled as follows —

Between , Plaintiff
and , Defendant

Upon reading the affidavit of of and the commission
(certificate) (letter of request) etc., of the (foreign) court and that such court wishes to
obtain the testimony of of

It is ordered that the said (witness) do attend
before (examiner) who is hereby appointed examiner herein
at at o'clock in the noon of the day
of 19 and there do submit to be examined, cross-examined and re-
examined upon oath or affirmation touching the testimony there required and do then and
there produce

AND that the examiner do take down and sign the depositions and cause them to be signed
by the witness after being read over to him and when so completed to send them to this
Court for onward transmission to the Court at

Dated the day of 19

.....
Judge.

CAYMAN ISLANDS

THE GRAND COURT LAW
(No. 8 of 1975)

GRAND COURT (FOREIGN PROCESS) RULES

In exercise of the powers conferred upon the Rules Committee under the provisions of
section 21 of the Grand Court Law, the following Rules of Court are hereby made.

1. These Rules may be cited as the Grand Court (Foreign Process) Rules.
2. Subject to adjustments required to meet any particular case the forms in the schedule
may be used —
 - (a) for the purpose of recording and preserving the testimony of persons proceeding
abroad;
 - (b) for the purpose of taking and recording testimony of persons out of the jurisdiction
for use within the jurisdiction; and
 - (c) for the purpose of taking and recording testimony of persons within the
jurisdiction for use outside the jurisdiction.

THE SCHEDULE

Form F.P. 1.

SUMMONS FOR EXAMINATION WITHIN JURISDICTION OF
WITNESS BEFORE TRIAL

(Heading as in the Cause)

Let all parties concerned attend the Judge in Chambers the day of
19 at o'clock in the noon on the hearing of an
application on the part of that A.B. a witness on behalf of
the be examined forthwith by an examiner to be agreed upon or ap-
pointed by the Court.

Dated the day of 19

Signed
Attorney for

Form F.P. 2.

ORDER FOR EXAMINATION WITHIN THE
JURISDICTION OF A WITNESS BEFORE TRIAL

(Heading as in the Cause)

On the hearing of and reading the affidavit of

It is ordered that a witness on behalf of the be

2

examined *viva voce* on oath or affirmation before _____ at _____ on the _____ day of _____ 19____, and the depositions be filed in the Registry and office copies thereof may in the absence of the said witness be read and given in evidence at the trial of the cause and that the costs occasioned herein be costs in the cause.

Dated the _____ day of _____ 19____

.....
Judge

Form F.P. 3.

SUMMONS TO ISSUE LETTER OF REQUEST TO JUDICIAL
AUTHORITY OUT OF JURISDICTION

(Heading as in the Cause)

Let all parties attend the Judge in Chambers on the _____ day of _____ 19____ at _____ o'clock in the _____ noon on the hearing of an application on the part of _____ for an order that a letter of request shall issue to the proper judicial authority of _____ for the examination of E.F. and other witnesses on the _____'s behalf at _____ in _____ and that the action be stayed until the return of the said letter of request and examination and the costs herein be costs in the cause.

Dated the _____ day of _____ 19____

.....
Judge

Form F.P. 4

ORDER FOR ISSUE OF LETTER OF REQUEST
TO JUDICIAL AUTHORITY OUT OF JURISDICTION

(Heading as in the Cause)

On the hearing (as in F.P. 2)

It is ordered that a letter of request do issue directed to the proper judicial authority for the examination of —

and that (as in F.P. 2).

Form F.P. 5

LETTER OF REQUEST FOR THE EXAMINATION
OF A WITNESS OUT OF JURISDICTION

To the competent judicial authority of _____
in the _____ of _____

3

An action being now pending in the Grand Court of the Cayman Islands between _____, plaintiff and _____, defendant, and it having been represented to the said Court that it is necessary for the purpose of justice that the following persons should be examined as witnesses upon oath or affirmation touching the said action, that is to say —

..... of

..... of

and of

I, _____, Judge of the Grand Court, hereby request you will be pleased to summon the said witnesses and cause them to be examined *viva voce* (or as the case may be) at such time and place and in such manner and by such person as according to your procedure is competent and proper in that behalf and that the accredited agents of the parties in the cause may be permitted to cross-examine and re-examine the witnesses and that the evidence of the said witnesses be reduced to writing and that all matters produced in evidence be duly marked for identification and that you will be pleased to authenticate the same with the seal of your tribunal in accordance with your procedure and remit the same together with a note of your charges and expenses to the British Consul from whom this request was received for transmission to the Grand Court with advice as to the date and place when the examination took place.

Dated the _____ day of _____, 19____

.....
Judge.

Form F.P. 6.

SUMMONS FOR APPOINTMENT OF EXAMINER TO
TAKE EVIDENCE OF WITNESS OUT OF JURISDICTION

(Heading as in Cause)

Let all parties (as in F.P. 1) on the hearing of an application on the part of _____ for an order that the British Consul at _____ in _____ be appointed as special examiner for the purpose of recording the examination, cross-examination and re-examination *viva voce* on oath or affirmation of _____ of _____ on the usual terms and that costs herein be costs in the cause.

Dated the _____ day of _____ 19____

Attorney for

Form F.P. 7

ORDER FOR APPOINTMENT OF EXAMINER TO
TAKE EVIDENCE OF WITNESS OUT OF JURISDICTION

(Heading as in the Cause)

After hearing the attorneys for the both sides and on reading the affidavit filed