

CAYMAN ISLANDS



COSTS (CROWN SUITS AND LAW OFFICERS) LAW

(1998 Revision)

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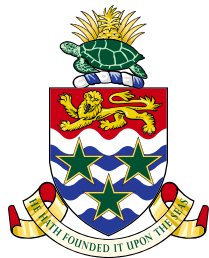
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Cap. 27-1st January, 1964

Revised this 16th day of June, 1998.



CAYMAN ISLANDS



**COSTS (CROWN SUITS AND LAW OFFICERS)
LAW**
(1998 Revision)

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COSTS (CROWN SUITS AND LAW OFFICERS) LAW

(1998 Revision)

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the *Costs (Crown Suits and Law Officers) Law (1998 Revision)*.

Costs may be awarded to Crown.

2. In all informations, actions, suits and other proceedings instituted before any court or tribunal in the Islands by or on behalf of the Crown against any corporation or person, in respect of any lands, tenements, hereditaments, goods or chattels belonging or accruing to the Crown, or in respect of any sum or sums of money due and owing to Her Majesty, by virtue of any Imperial Act or law of the Islands, for any public service, the Clerk of the Court shall be entitled to recover costs for and on behalf of Her Majesty where judgment is given to the Crown, in the same manner, and under the same rules, as are in force concerning the payment or receipt of costs in proceedings between subject and subject; and such costs shall be paid to the Treasurer, and held by him to the credit of the public.

Costs to defendant

3. If, in any such information, action, suit or other proceeding judgment is given against the Crown, the defendant or defendants shall be entitled to recover costs, in like manner, and subject to the same rules, as though such proceeding had been had between subject and subject:

Provided that the presiding Judge shall certify on the record that, in his opinion, the case is one in which the defendant is entitled to his costs; and the Governor in Council shall direct the Treasurer to pay such costs out of any sum of money to be voted by the Legislative Assembly for that purpose.

Suits to be under same rules as ordinary suits

4. The proceedings in all such suits shall, as far as applicable, be regulated by the rules of pleading and of practice in suits between subject and subject, and the Chief Justice may, from time to time, frame all such further rules as may be necessary for the practice in such cases.

Costs of public officers or naval or military officers succeeding in litigation

5. When any person holding any military or naval office under the Crown, in the Royal Air Force or any office in the Civil Service of the Islands, is a party to any action, suit or proceeding, and the Clerk of the Court, any legal officer of Government or any attorney-at-law, in accordance with General Orders or by the direction or at the instance of the Governor, or at the instance of the senior military or naval officer in the Islands, as the case may be, undertakes the case of such person, such person, if he gets judgment for his costs against the other party to such action, suit or proceeding, shall not be disentitled to recover the costs incurred in his behalf, by reason of his not having personally retained the Clerk of the Court, legal officers of Government or other attorney-at-law, or by reason of his not being personally responsible to the said Clerk of the Court, legal officers of Government or other attorney-at-law for the costs of undertaking his said case.

Costs of law officers of the Crown

6. In taxation of the costs to be recovered as aforesaid, the same fees and charges shall be allowed for the services of the Clerk of the Court or any legal officer of Government, as if such officer had been retained and employed by the party in question as a private attorney-at-law.



Provision as to the fees to be allowed to law officers of the Crown

7. In every legal proceeding in which the Crown is entitled to recover costs from the other party, the same fees shall be allowed for the services of the Clerk of the Court or any legal officers of Government, as if such officers, instead of being remunerated by fixed salaries, were remunerated in the ordinary way by fees for their specific services in the proceeding in respect of which the Crown is entitled to costs.

Publication in revised form authorised by the Governor in Council this 16th day of June, 1998.

Carmena H. Parsons
Clerk of Executive Council