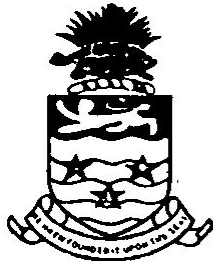


CAYMAN ISLANDS



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**RULES OF COURT
No. 4
SUMMARY JURISDICTION (FORMS) RULES**

THE SUMMARY JURISDICTION LAW
(Law 10 of 1975)

SUMMARY JURISDICTION (FORMS) RULES

In exercise of the powers conferred upon the Rules Committee under the provisions of section 21 of the Grand Court Law and section 53 of the above Law the following Rule are hereby made.

1. These Rules may be cited as the Summary Jurisdiction (Forms) Rules and shall come into operation on the 4th day of October, 1976.
2. In these Rules unless the context otherwise requires —

- | | |
|---------------|---|
| Law 10 of 75. | "Chief Clerk" has the meaning ascribed to it in the Summary Jurisdiction Law; |
| Law 13 of 75. | "Code" means the Criminal Procedure Code; |
| | "Commissioner" means the Commissioner of Police; |
| | "Court" means the Summary Court; |
| Law 10 of 75. | "section" means a section of the Summary Jurisdiction Law; |

and in other respects section 2 of the Code applies.

3. The rules of procedure of the Court in its criminal jurisdiction are prescribed in the Code and the rules of procedure in civil matters are prescribed in the Summary Jurisdiction (Civil Procedure) Rules and, in certain cases, by rules and regulations made pursuant to other laws.

4. Forms which may be used in the general procedure of the Court are prescribed in the schedule hereto and such forms may be adjusted by the magistrate or the Chief Clerk to meet special cases and, where no provision appears to have been made to meet the requirements of the Court, the magistrate may prescribe forms appropriate to such requirements which may form precedents for future use.

5. Grand Court forms dealing with the execution of civil judgments and matters connected therewith may be used *mutatis mutandis* by the Summary Court.

SUMMARY JURISDICTION (FORMS) RULES

THE SCHEDULE

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THE SCHEDULE

Form C.P. 1

THE CRIMINAL PROCEDURE CODE

(Section 13)

COMPLAINT

In the Summary Court of

At _____ in the _____ noon on the _____ day of _____ 19____
there appeared before me one _____ of _____
who made the complaint following (or 'annexed hereto' if made in writing)

(if complaint made on oath)

The complaint having been read over to the said
he did affirm to the truth thereof before me
swear

.....
complainant or other witness
making oath.

.....
Justice of the Peace

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(Form of charge to be endorsed on the back and signed by a Justice of the Peace)

Received for action by me the day of 19 at hours in the noon.

.....
Chief Clerk

Summons issued to appear at hours in the noon on the day of 19

Chief Clerk

Date.

Form C.P. 2.

THE CRIMINAL PROCEDURE CODE
(Section 13)

CHARGE BY POLICE OFFICER

In the Summary Court of

of

is charged with the following offence

(Sgd.) Police Officer (Rank) (Number)
(Sgd.) Justice of the Peace

Received for action at hours of the noon this day of 19

Chief Clerk

Summons issued to appear at hours in the noon the day of 19

Chief Clerk

Date

Form C.P. 3.

THE CRIMINAL PROCEDURE CODE
(Section 14)

SUMMONS TO ACCUSED PERSON

In the Summary Court of

Complaint having been made that you
of at on the day of 19

(here set out charge or short particulars of offence)

You are hereby summoned to appear before this Court at hours of the noon on
the day of 19 to answer thereto.

Dated the day of 19

Justice of the Peace.

N.B. If you fail to appear a warrant for your arrest will be issued.

Form C.P. 3.

(BACK)

THE CRIMINAL PROCEDURE CODE
(Sections 17 & 18)

(All courts)

I, E.F. (constable (or as the case may be)), do swear that on the day of
19 at o'clock in the noon at I served upon A.B., a summons now
marked 'A' dated the day of 19

At the time I served the summons on A.B. (if A.B. is a company "upon O.P. secretary of
A.B.") I read it over to him (or explained it to him).

A.B. (or O.P.) was known to me personally before I served the summons (or A.B. (or O.P.)
was identified to me by G.H. who is personally known to me)

OR

Being unable to find the said A.B. I handed the said summons to K.L. of an adult
inmate of A.B.'s last known place of abode (OR) the employer of A.B.

Sworn before me
at

the day of 19

(Signed) M.N.
Justice of the Peace
(or as the case may be)

Form C.P. 4.

THE CRIMINAL PROCEDURE CODE
(Section 15)

WARRANT FOR ARREST OF ACCUSED PERSON

In the Summary Court of
To each and all the constables of the Cayman Islands

Complaint having been made by C.D. against A.B. of
that he

supported by the oath of

which complaint is

You are hereby commanded to bring the said A.B. before this court forthwith to answer
the said complaint.

Dated the day of 19

M.N.
Justice of the Peace.

(see back)

PARTICULARS

BAIL

CUSTODY

IDENTIFICATION

Form C.P. 5.

THE CRIMINAL PROCEDURE CODE
(Section 18)

SUMMONS UPON A BODY CORPORATE SENT BY REGISTERED POST

In the Summary Court of
To the Secretary (or local manager etc.)
Ltd. (or as appropriate)
Complaint has been made that Ltd. of at on the day
of 19

(here set out charges or short particulars of offence)

You are hereby summoned to appear before the Court at hours of the noon on
the day of 19 , to answer thereto on behalf of the said company.

Dated the day of 19

Justice of Peace

N.B. If you fail to appear a warrant for your arrest will be issued.

Despatched this day of 19 , by prepaid registered post.

Chief Clerk.

Form C.P. 6.

THE CRIMINAL PROCEDURE CODE
(Section 20)

WARRANT OF ARREST OF PERSON FAILING TO ANSWER SUMMONS

In the Summary Court at
To each and all the constables of the Cayman Islands
A.B. of having failed duly to appear before the Court
in answer to a summons served upon him by C.D. on oath.

You are hereby commanded to apprehend and bring the said A.B. before this Court
forthwith (or on the day of 19 , at o'clock in the noon) that he
may be dealt with according to law.

Dated the day of 19

Magistrate.

Form C.P. 7.

THE CRIMINAL PROCEDURE CODE
(Section 21)

FORM OF RECOGNIZANCE FOR APPEARANCE

In the Summary Court of

I acknowledge that I owe the Financial Secretary of the Islands the sum of \$,
payment thereof to be enforced against me by due process of law if I fail to comply with any
of the conditions endorsed hereon.

(Signed) A.B.

Taken before me the day of 19

Clerk of the Court
Justice of the Peace
of Police

(or as the case may be)

RECOGNIZANCES OF SURETIES

I/We acknowledge I/We owe to the Financial Secretary of the Islands the sum of
\$, payment thereof to be enforced against me/us by due process of law if the above
mentioned principal fails to comply with the conditions endorsed hereon.

Signed

.....

Taken before me the day of 19

.....
Justice of the Peace

(or as the case may be)

The conditions of this recognizance are that —

- (a) if the principal appears before the Court at
at o'clock in the noon
the day of 19 , and thereafter
throughout the proceedings
- (b) OR keeps the peace and is of good behaviour for the time of from
the date of this recognizance
- (c) OR appears at such date and time as may be notified to him by the Clerk of the
Court at the hearing of his appeal in the matter of
- (d) OR prosecutes without delay his appeal to the Court
in the matter of
and submits to the judgment of the said Court and pays such costs as may be
awarded against him by the said Court

then this recognizance shall be void, but otherwise shall remain in full force and effect.

SUMMONS TO WITNESS

You _____ of _____
are hereby summoned to appear before the Court at _____ o'clock in the
noon on the _____ day of _____ 19_____, to give evidence in the above case, on
behalf of _____ and produce the following documents or things specified
hereunder.

(Signed) Magistrate

N.B. Should you fail to appear a warrant for your arrest will issue.

Form C.P. 12.

WARRANT TO ARREST A WITNESS

To each and all the constables of the Cayman Islands

The Court having been credibly informed that A.B.
of _____ a witness required in the above case will, if summoned,
refuse or neglect to appear

OR

A.B. of _____ having failed, without excuse,
to answer a summons issued on the day of _____ 19____ requiring him to
appear before this Court on the _____ day of _____ 19____

You are hereby commanded to arrest the said A.B. and bring him before this Court forthwith.

Dated the _____ day of _____ 19____

(Signed) Magistrate

SEE BACK

Form C.P. 12 (Back)

(BACK)

It is directed that the witness A.B. on arrest be released on bail in the sum of \$ _____ with _____ sureties in the sum of \$ _____ each for his attendance.

Form C.P. 13.

THE CRIMINAL PROCEDURE CODE
(Section 48)

**MEDICAL CERTIFICATE OF CAPACITY OF AN
ACCUSED PERSON TO MAKE DEFENCE.**

In the Summary Court at

This is to certify that, I, _____ have had A.B.
_____ under my observation from the _____ day
of _____ 19_____, until the _____ day
of _____ 19_____, and that in my opinion he is capable of making his
defence to a criminal charge.

Dated the _____ day of _____ 19_____

Medical Practitioner.

Form C.P. 14.

THE CRIMINAL PROCEDURE CODE
(Section 72)

MEMORANDUM OF CONVICTION.

In the Summary Court of

_____ Case No. _____
A.B. _____ of _____ was this day
convicted by the above Court of the following offences:

1. _____
2. _____ etc.

Dated the _____ day of _____ 19_____

Magistrate.

Form C.P. 15.

THE CRIMINAL PROCEDURE CODE
(Section 73)

CERTIFICATE OF ACQUITTAL

In the Summary Court of

Case No. _____

This is to certify that a charge against A.B. of
that he _____
was this day determined, the Court finding the alleged offence not proved and the charge
against the said A.B. was dismissed accordingly

Dated the _____ day of _____ 19_____

(Signed) Magistrate.

Form C.P. 17.

Amount of fine
Less amount paid
Amount to be levied

12 — Rules of Court [No. 4]

Costs and charges
Less amount realized
Balance remaining

Dated the day of 19

Constable or Bailiff

Form C.P. 18.

THE CRIMINAL PROCEDURE CODE
(Section 78 (f))

ORDER FOR IMPRISONMENT IN DEFAULT OF PAYMENT OF FINE

In the Summary Court at
Criminal Case No.

To each and all the constables and prison officers of the Cayman Islands.

A.B. was on the day of 19
ordered to pay a fine of \$ compensation etc. (as the case may be)

AND the sum of \$ remains outstanding

AND it appearing that no sufficient distress to levy the sum now due can be found

It is this day ordered that the said A.B. be imprisoned for a term of
days or until the payment of the said amount of \$ if made prior to the expiry of
the said term.

AND you the said constables are hereby commanded to take the said A.B. to the prison
at
and you the said prison officers are hereby commanded there to detain him in accordance
with the terms of this order.

Dated the day of 19

Magistrate.

Form C.P. 19.

THE CRIMINAL PROCEDURE CODE
(Section 82)

**EXPLANATION TO ACCUSED AT COMMENCEMENT
OF PROCEDURE FOR COMMITTAL FOR TRIAL**

In the Summary Court of

"This is not your trial but an enquiry into the charges made against you in order to decide
whether or not there is sufficient evidence for you to be committed for trial before a Judge
and jury.

The evidence for the prosecution will first be called and you may cross-examine each of
the prosecution witnesses if you so desire.

Thereafter you may call your own witnesses and give evidence or make a statement on
your own behalf if you so wish.

In any event, if you are committed for trial you will be given a further opportunity of
cross-examining the prosecution witnesses and yourself calling evidence, giving evidence
and making a statement".

Form C.P. 20.

THE CRIMINAL PROCEDURE CODE
(Section 90 (1))

WARRANT OF COMMITTAL FOR TRIAL BY GRAND COURT

In the Summary Court of
Criminal Case No.

To all the constables and prison officers of the Cayman Islands

A.B. having been charged this day before the Court with
AND the Court after inquiring into the said offence having committed the said A.B. for
trial by the Grand Court.

You the said constables and prison officers are hereby commanded to convey the said
A.B. to the prison at _____ and there detain him until he shall be delivered in
due course of law.

Dated the _____ day of _____ 19

Magistrate.

Endorsement when bail granted.

The Court hereby certifies that the said A.B. may be bailed by recognizance of himself in
the sum of \$ _____ with _____ sureties in
\$ _____ each to appear before the next session of the Grand Court to take his
trial upon indictment preferred against him.

Magistrate

Form C.P. 21.

THE CRIMINAL PROCEDURE CODE
(Section 90 (2))

ORDER COMMITTING CORPORATIONS FOR TRIAL

In the Summary Court of
Criminal Case No.

A.B. and Company Limited having been by the Court this day ordered to be committed
for trial on indictment before the Grand Court upon a charge of

The Attorney General is hereby authorised to file an indictment against the said cor-
poration in that behalf.

Dated the _____ day of _____ 19

Magistrate.

THE CRIMINAL PROCEDURE CODE
(Section 94)

WITNESS ORDER

In the Summary Court of
Criminal Case No.

To C.D. of

You are hereby ordered (unless you receive prior notice to the contrary) to attend and give evidence at the trial of A.B. before the next session of the Grand Court to be held at

Dated the day of 19
Magistrate.

THE CRIMINAL PROCEDURE CODE
(Section 96)

In the Grand Court
Criminal Case No.

Regina
versus
A. B.

NOTICE OF INTENTION TO TAKE DEPOSITION UNDER SECTION 95.

To A.B.

This is to give notice that it is intended to take the deposition of C.D.
of for the reason that

The said deposition will be taken at before
at o'clock in the noon of the day
of 19

You may, if you so wish, be present at the taking of the said deposition and may cross-examine the said C.D. thereon.

Dated the day of 19
Magistrate.

Endorsement if A.B. is in custody.

To each and every constable and prison officer of the Cayman Islands

This is to authorise and require you to bring the said A.B.
before the above Court at the time and place above mentioned if so requested by the said
A.B.

Magistrate.

Form C.P. 24.

THE CRIMINAL PROCEDURE CODE
(Section 181)

ORDER TO ENTER INTO RECOGNIZANCE TO KEEP THE PEACE

In the Summary Court of
Criminal Case No.

Complaint having been made against A.B. of
that he the Court, after hearing the said
A.B. hereby orders the said A.B.

- (a) to keep the peace
- (b) to be of good behaviour towards

and to enter into personal recognizance of \$ and find two sureties
for \$ in that behalf and to come up for trial if called up.

Dated the day of 19

Magistrate.

Particulars of recognizance and sureties to be entered on back.

Form C.P. 25.

THE CRIMINAL PROCEDURE CODE
(Section 182 (1) and (2))

**ORDER FOR SEIZURE OF PROPERTY SUSPECTED TO BE
PROCEEDS OF AN OFFENCE**

In the Summary Court of
Criminal Case No.

R.v.

To each and all the constables of the Cayman Islands.

It having been made to appear to the Court that the following items are the proceeds or
part thereof of offence (s) found in the above case to have been committed —

It is hereby ordered that the same be seized and brought before this Court for further
directions in that behalf.

Dated the day of 19

Magistrate.

SUMMARY JURISDICTION (CIVIL PROCEDURE) RULES
(Rule 6)

In the Summary Court

No.

P L A I N T

BETWEEN
AND

Plaintiff
Defendant

1. The Plaintiff is service is and his address for
2. The Defendant is service is and his address for
3. On at

(here state particulars of claim using as many numbered paragraphs as may be required followed by particulars of negligence on the part of the defendant or other matters alleged to give rise to the claim and followed by particulars of special damage or other matters claimed by the Plaintiff in the case).

Prayer

Wherefore the Plaintiff prays that the defendant be ordered, etc.

Signature of Plaintiff

Filed by Plaintiff
Date Attorney

BACK OF PLAINT

Date and time of filing
Court fees assessed at and collected
Case set down for mention on the day of 19
at o'clock in the fore/after noon.

Certificate of service by Bailiff.

I hereby certify that on the day of
19 I did serve a copy of this plaint
upon who is personally known to me (OR
who was identified to me by who is per-
sonally known to me).

.....
Bailiff

Affidavit of Service by Plaintiff or his representative

I of Plaintiff (or as
the case may be) make oath and say that on
the day of 19 I did
serve a copy of the plaint upon who is personally

known to me (or who was identified to me by
of who is personally known to me).

the day of 19

.....
Signature of Deponent

Sworn at

before me

.....
Justice of the Peace

NOTICE TO DEFENDANT

You are hereby summoned to appear personally before the court at the place, date and time assigned for mention of the above case and if you should fail so to do judgment may be entered against you in default of such appearance.

Form C.P. 27.

THE SUMMARY JURISDICTION LAW

(Section 28 (1))

SUMMONS TO WITNESS (CIVIL)

In the Summary Court at

Civil Case No.

between
and

Plaintiff
Defendant

You
summoned to appear before this Court at
on the day of
above case on behalf of
and things specified hereunder.

of
o'clock in the noon
19 to give evidence in the
and produce the documents

Dated the

day of

19

.....
Magistrate.

N.B. 1 Should you fail to appear in compliance with this summons a warrant for your arrest may be issued.

N.B. 2 You are entitled to your travelling expenses to and from the Court amounting to \$
which will be tendered with this notice.

THE SUMMARY JURISDICTION LAW

(Section 28 (2))

WARRANT OF ARREST OF WITNESS FAILING TO APPEAR (CIVIL)

Civil Case No.

Between
and

Plaintiff
Defendant

To each and all the constables of the Cayman Islands

A.B. of _____ having failed without
excuse to answer a summons issued on the _____ day of _____ 19____ requiring
him to appear before this Court on the _____ day of _____ 19____

You are hereby commanded to arrest the said A.B. and bring him before this Court forthwith.

Dated this day of 19

Magistrate.

Form C.P. 29.

THE CRIMINAL PROCEDURE CODE

(Section 90)

COMMITTAL PARTICULARS

Accused A.B. of
(charge)
(particulars)

Criminal Case No. _____
charged with _____

having appeared before the Summary Court at _____ in the presence
of _____ (magistrate) and a summary of evidence having
being taken in compliance with Part V of the Criminal Procedure Code _____

Mr. **_____** appearing for the prosecution

Mr. and
appearing for the defence

The following witnesses were called for the prosecution

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

The following witnesses were called for the defence

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

The accused made a statement) as follows:
testified)

At the close of the enquiry the said accused was remanded for trial by the Grand Court upon the following charges:

(charge)

(particulars)

The prosecution witness
and the defence witness

were bound over to testify at the trial and to attend the Grand Court on
the day of 19 at o'clock in the noon.

The following witnesses were not bound over to appear personally —

.....
.....
.....

(here give particulars)

The accused was released on bail in the sum of \$ to
appear on the day of noon
19 at o'clock in the noon
before the Grand Court.

OR

The accused was remanded in custody.

The following exhibits were produced to the Court and ordered to be dealt with as follows:

.....
.....
.....

Copies of relevant orders made and of the depositions and proceedings are hereto annexed.

.....
Magistrate

.....
Date

Form C.P. 30.

THE CRIMINAL PROCEDURE CODE

(Section 90 (1))

COMMITTAL WARRANT

Criminal Case No.

In the Summary Court at

To each and all the constables and prison officers of the Cayman Islands.

A.B. of having this day been com-
mitted for trial upon indictment by the Grand Court and having been remanded in custody

20 — Rules of Court [No. 4]

to await trial at the next session thereof, you the said constables are hereby commanded to receive the said A.B. into your custody and to convey him to the prison at _____ and you the said prison officers are commanded there to keep him to await the commands of the Grand Court or until he is sooner released by due process of law.

.....
Magistrate

.....
Date

Made by the Rules Committee of the Grand Court this 4th day of October, 1976.

L.T. MOODY
Judge

G.E. WADDINGTON
Attorney General

TRUMAN M. BODDEN
Legal Practitioner

JOHN STAFFORD
Legal Practitioner

(Price \$2.00)