

CAYMAN ISLANDS



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PRACTICE DIRECTION NO 2 OF 2015
Applications for inspection of Criminal Court Files
Section 193 of the Criminal Procedure Code (2013 Revision)



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Where a person applies for inspection of a Criminal Court File pursuant to section 193 of the Criminal Procedure Code (2013 Revision) as a 'person affected', that person shall explain and provide proof of the basis upon which he or she applies as a person affected.

The Clerk of Court, if satisfied that the person is applying as a person affected, may provide the document or record requested in keeping with section 193, provided that the document or record is not of a class in respect of which inspection has been otherwise curtailed by order of the Court or by this Practice Direction.

Applications for inspection other than under section 193 of the Criminal Procedure Code

An application for leave to inspect a Criminal Court file may be made by letter to the Clerk of the Court and may be determined administratively by the Clerk of Court unless the Clerk is of the view that the matter should be referred to a Judge for determination. The application should contain:

1. The identity of the person seeking leave to inspect and, where that person is an attorney or agent, the identity of his principal. Where the person applying is an agent, written authority of the principal must be furnished. Where the person applying is a guardian, parent or person *in loco parentis*, proof of the relationship must be furnished.
2. A concise statement of the reason for the request; and
3. A description of the portion of the Court file that the applicant wishes to inspect.

The following documents will not be open to inspection unless ordered by a Judge:

1. Public Interest Immunity material, so deemed by order of the court.



2. Witness Statements involving the evidence of witnesses in sensitive cases¹.
3. A document which was sealed by the Court during the trial or other stage of the criminal proceedings.
4. Letters or other communication presented to the Judge for consideration but not adduced into evidence,
5. Any other document that is not in the public domain (for example: Psychiatric or Probation reports)
6. Files relating to sexual offence cases.

Hon. Anthony Smellie
Chief Justice

February 20 2015

¹ For the purpose of this Practice Direction, sensitive cases are defined as cases involving firearms offences, sexual offences, or cases involving witnesses in protection or in respect of whom anonymity orders have been made.