

CAYMAN ISLANDS



**Election Act
(2022 Revision)**

ELECTIONS (APPLICATION UNDER SECTION 29A) RULES, 2025

(SL 7 of 2025)

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Elections Act

(2022 Revision)

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Supervisor's 29A Petition	
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Elections Act

(2022 Revision)

ELECTIONS (APPLICATIONS UNDER SECTION 29A) RULES 2025

Citation

1. These Rules may be cited as the Elections (Applications Under Section 29A) Rules, 2025.

Definitions

2. (1) The words and expressions defined by section 2 of the Act shall have the same meaning when used in these Rules.
- (2) The words and expressions defined by Grand Court Rules Order 1, rule 7 shall have the same meaning when used in these Rules.

- (3) In these Rules, unless the context otherwise requires —

“**29A Petition**” means an application by the Supervisor pursuant to section 29A of the Act by way of petition;

“**the Act**” means the *Elections Act (2022 Revision)*;

“**Affidavit in Response**” means a Disputed Candidate’s affidavit and any exhibits sworn pursuant to Rule 6(1);

“**the Constitution**” means means Schedule 2 to the *Cayman Islands Constitution Order, 2009 [UKSI No. 1379 of 2009]*;

“**Court**” means the Grand Court;

“**Disputed Candidate**” means a person nominated pursuant to section 29 of the Act and who is the respondent to a 29A Petition;

“Disputed Candidate’s Address” means the address in the Cayman Islands stated by a Disputed Candidate in his nomination form delivered pursuant to section 29 of the Act;

“Election Petition” means an election petition pursuant to section 85 of the Act;

“Nomination Day” means the day fixed in accordance with section 29(1) of the Act;

“Objector” means a person who has submitted an objection to the Supervisor which has resulted in an application.

Application of the Grand Court Rules (2023 Revision)

3. (1) The Grand Court Rules shall apply to these Rules save to the extent otherwise stated in these Rules.
- (2) For the avoidance of doubt, the following rules of the Grand Court Rules do not apply to any proceedings pursuant to section 29A of the Act:
 - (a) Orders 6, 7, and 8;
 - (b) Orders 11 to 14A;
 - (c) Orders 16 and 17;
 - (d) Order 19;
 - (e) Orders 22 and 23;
 - (f) Order 28;
 - (g) Orders 30 and 31;
 - (h) Order 37;
 - (i) Order 43;
 - (j) Orders 45 to 51;
 - (k) Order 54
 - (l) Order 62;
 - (m) Order 69 to 76;
 - (n) Orders 81 and 82;

- (o) Orders 85 and 86;
 - (p) Order 92; and
 - (q) Orders 94 to 113.
- (3) For the avoidance of doubt, in these Rules “calendar days” includes Saturdays, Sundays, and public holidays, unless stated otherwise.

Commencement of proceedings pursuant to section 29A of the Act

4. (1) The Supervisor shall commence proceedings pursuant to section 29A by petition in the form set out in the Schedule.
- (2) A 29A Petition shall not be presented any later than ten calendar days after the Nomination Day, which period shall include the Nomination Day.
- (3) The facts and matters alleged in a 29A Petition shall be verified by an affidavit sworn by or on behalf of the Supervisor, which affidavit shall be sworn and filed on the same day as (and no later than) the relevant 29A Petition is filed.
- (4) A 29A Petition shall set out all necessary particulars of the allegations that a Disputed Candidate—
- (a) does not qualify to be elected as a member of Parliament pursuant to section 61 of the Constitution; and/or
 - (b) is disqualified from elected membership pursuant to section 62 of the Constitution.
- (5) The affidavit sworn by or on behalf of the Supervisor pursuant to Rule 4(3) above shall —
- (a) verify that the allegations in the 29A Petition are true, or are true to the best of the Supervisor’s knowledge, information, and belief and, where relevant state the source of information or belief;

- (b) exhibit all of the relevant evidence which supports, or tends to support, the allegations set out in the 29A Petition, together with any relevant evidence which does not support, nor tend to support, the allegations set out in the 29A Petition;
- (c) identify the name of the Objector, if any; and
- (d) exhibit any correspondence with a relevant Objector.

Service of a 29A Petition and Supervisor's affidavit in support thereof

5. (1) The Supervisor shall effect personal service forthwith a 29A Petition, and his supporting affidavit and exhibits, on the relevant Disputed Candidate, and in any event within three calendar days (excluding the date of presentation of the 29A Petition).
- (2) If the Supervisor is unable to effect personal service the Disputed Candidate pursuant to Rule 4(1) then the Supervisor shall affix a copy of the 29A Petition and his supporting affidavit and exhibits at the Disputed Candidate's Address in a prominent place. The affixing of a 29A Petition and supporting affidavit and exhibits as aforesaid shall be irrebuttably deemed to have been effective service of the same on the Disputed Candidate at the time and date the documents were so affixed.
- (3) The Supervisor shall forthwith, and in any event, within two calendar days of service of any 29A Petition and affidavit and exhibits in support thereof, swear, or cause to be sworn, and file an affidavit setting out the time, date, and circumstances by which the said documents were served. That affidavit shall be served on the Disputed Candidate pursuant to Rule 5(1) or (2) above, mutatis mutandis.

Disputed Candidate's Affidavit in Response

6. (1) If a Disputed Candidate intends to oppose the relevant 29A Petition, the Disputed Candidate shall file and serve an affidavit in response no later than ten calendar

days following the day on which the 29A Petition and the Supervisor's supporting affidavit and exhibits were served on the Disputed Candidate. The Affidavit in Response shall be served on the Supervisor and on the Attorney General by leaving it at their respective offices between the hours of 9 a.m. and 4 p.m. (but not on a Saturday, Sunday, or public holiday)

- (2) If the Disputed Candidate shall not have filed and served an Affidavit in Response within the period as provided for in Rule 6(1) above, the Supervisor shall forthwith, and in any event, within two calendar days of the expiry of the said period swear, or cause to be sworn, and file an affidavit verifying that no such Affidavit in Response has been served. The Supervisor shall serve any such affidavit on the Disputed Candidate pursuant to Rule 5(1) or (2) above, mutatis mutandis.

Publication of materials filed by, or served on, the Supervisor

7. The Supervisor shall post forthwith, and in any event within two calendar days of the filing thereof, on the Supervisor's website every 29A Petition and every affidavit (with exhibits), skeleton argument, order, judgment, reasons for orders and judgments, and any other document filed in respect of every 29A Petition.

Case management

8.
 - (1) All proceedings pursuant to section 29A of the Act shall be assigned to the Civil Division of the Court. All such proceedings shall be assigned to the Chief Justice or a judge nominated by the Chief Justice.
 - (2) All hearings shall be conducted in open Court, and all judgments delivered in open Court.
 - (3) No later than ten calendar days after (a) a Disputed Candidate shall have served an Affidavit in Response, or (b) the Supervisor shall have served an affidavit pursuant to Rule 6(2) above, whichever shall be the later, and in any event no

later than 28 calendar days after the Nomination Date, the Court shall conduct a case management hearing.

- (4) By no later than two clear calendar days before that case management hearing, the Supervisor and the Disputed Candidate shall have issued, filed, and served all necessary applications and affidavits in support thereof. Except with the prior leave of the Court neither the Supervisor nor the Disputed Candidate, may serve any evidence after that date. At the case management hearing the Court shall make such directions as are necessary for the hearing of the 29A Petition.
- (5) The hearing of the 29A Petition shall be listed to be heard no later than 35 calendar days after the Nomination Day.
- (6) All parties may appear in person or be represented by an attorney.
- (7) If, at any time, the Court determines, either on the application of the Supervisor, or the Disputed Candidate, or of its own motion, that it is not reasonably practicable determine the claims in any 29A Petition before 42 calendar days after the Nomination Day, it shall permit the Supervisor to withdraw or discontinue all, or part, of the Supervisor's claims without prejudice to any such withdrawn or discontinued claims being the subject of a subsequent Election Petition.

Orders made at the hearings of 29A Petitions

- 9. If the Court declares that a Disputed Candidate is not qualified to be elected as a member of Parliament pursuant to section 61 of the Constitution and/or is not qualified for elected membership pursuant to section 62 of the Constitution then the Supervisor shall cause the judgment or order to be prominently displayed at all polling stations in the electoral district in which the Disputed Candidate, is, or had been, nominated for election.

SCHEDULE

(Rule 4)

Supervisor's 29A Petition pursuant to section 29A of the Elections Act (2022 Revision)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE No: of 20__

IN THE MATTER of section 29A of the Elections Act (2022 Revision)

AND IN THE MATTER of a Parliamentary Election for the electoral district of [*state relevant electoral district*]

AND IN THE MATTER of [*full name of Disputed Candidate*]

BETWEEN

[*name of Supervisor of Elections*] (the Supervisor of Elections)

PETITIONER

AND

[*full name of the Disputed Candidate*]

RESPONDENT

PETITION

To the Grand Court

The humble Petition of [*state name*], being the Supervisor of Elections, of [] shows that:-

1. On [*date*], and pursuant to section 3(1) of the Elections Act (2022 Revision) (the “*Elections Act*”), I was appointed as Supervisor of Elections.

2. On [date], and pursuant to section 8(1) of the Elections Act, [name of relevant returning officer] was appointed as returning officer (the “Returning Officer”) for the electoral district of [state relevant electoral district] (the “Electoral District”)
3. On [date], and pursuant to section 28(1) of the Elections Act, [His][Her] Excellency the Governor of the Cayman Islands forwarded to me a writ dated [date] (the “Writ”¹⁾ in respect of a Parliamentary Election in the Electoral District and which was addressed to the Returning Officer for my transmission to the Returning Officer.
4. The Writ stated the place and date for the nomination of candidates to be [address] and [date] (the “Nomination Date”) and that the date for the poll for the Parliamentary Election in the Electoral District to be [date] (the “Poll”).
5. On the Nomination Date the Returning Officer received a nomination form² nominating the Respondent as a candidate to be elected as a member of Parliament for the Electoral District.
6. [state all relevant facts upon which the Petitioner relies relevant to the qualification of the Respondent pursuant to section 61 and/or 62 of Schedule 2 of Cayman Islands Constitution Order, 2009 [UKSI No 1379 of 2009³]]

The Petitioner therefore humbly prays for:-

- (1) a declaration as to the qualification or disqualification of [state name of Respondent] to be elected as a member of Parliament at the Poll for the Electoral District pursuant to [section 61 and/or section 62] of Schedule 2 of the Cayman Islands Constitution Order, 2009 [UKSI No 1379 of 2009].

¹ A true copy of the relevant writ must be exhibited to the Petitioner’s affidavit in support of the Petition.

² A true copy of the relevant nomination form must be exhibited to the Petitioner’s affidavit in support of the Petition.

³ A true copy of any relevant communication with any Objector must be exhibited to the Petitioner’s affidavit in support of the Petition.

(2) such further or other relief as the Court thinks fit.

AND your Petitioner will ever pray etc.

Dated this day of , 20 .

[Signature of Petitioner or Petitioner's Attorney]

NOTE: This Petition is intended to be served on *[name and address of the Respondent as stated in the Nomination Form]*

This Petition was presented by *[name]*, the Supervisor of Elections *[or [state name of Petitioner's Attorney]]* whose address for service is *[68 West Bay Road, Bay Town Office Suites, George Town, Grand Cayman, KY1-1001 or otherwise]*.