
STATUTORY INSTRUMENTS

2009 No. 1379

The Cayman Islands Constitution Order 2009

Pending legal proceedings

9.—(1) Any cause, matter or appeal pending before the Grand Court or any appeal or application pending before the Court of Appeal immediately before the appointed day may, on and after that day, be continued, determined or appealed against as if such cause, matter or appeal had been instituted or was pending before the Grand Court, or such appeal or application made to the Court of Appeal, as the case may be, as those courts are respectively constituted by the Constitution.

(2) Any decree or order of the Grand Court or the Court of Appeal given or made before the appointed day, in so far as it has not been fully executed or enforced, may be executed or enforced on or after that day as if it were a decree or order of the Grand Court or the Court of Appeal, as the case may be, as those courts are respectively constituted by the Constitution.

(3) Any matter pending immediately before the appointed day before a tribunal appointed under section 49J(4) of the former Constitution may, on and after that day, be continued and reported upon as if the former Constitution were still in force, and after the tribunal has reported, section 96 of the Constitution shall have effect as if the matter had been referred to and considered by the Judicial and Legal Services Commission and as if the report of the tribunal were a report of the Judicial and Legal Services Commission under that section.

(4) Any judge of the Grand Court who immediately before the appointed day is suspended pursuant to section 49J(6) of the former Constitution shall, on and after that day, remain suspended from performing the functions of his or her office unless the Governor, acting in his or her discretion, revokes the suspension; but the suspension shall in any case cease to have effect—

- (a) if the tribunal appointed under section 49J(4) of the former Constitution advises the Governor that he or she should not request that the question of the removal of the judge be referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council; or
- (b) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.