

IN CHAMBERS

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Cause No. 613 of 1997

BETWEEN: Thompson Shipping Co. Ltd

PLAINTIFF

AND: The Port Authority of the Cayman Islands

DEFENDANT

APPEARANCES:

Pierre Lamontagne Q.C. instructed by Karin Thompson of Karin Thompson and Co.

Ian Croxford Q.C. instructed by Cherry Bridges of Ritch and Conolly.

RULING

By its summons dated 4th August 1997, the plaintiff seeks an order that the defendant be restrained and enjoined from giving any effect to their alleged decision to cancel the permit issued by the first defendant to the plaintiff.

At the hearing of the plaintiff's application for leave to apply for a Judicial Review, a stay as applied for above was granted to 20th August and extended by this court until the completion of the hearing of this application.

This application follows a ruling in Cause 367 of 1997 made 2nd August, 1997 by this court refusing to grant an interlocutory injunction to the plaintiff restraining the defendant from compelling the plaintiff to remove its two cranes from the George Town Port area. In that ruling the court took

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1 three factors into consideration, and following the principles of the
2 American Cyanamid case ruled as follows:

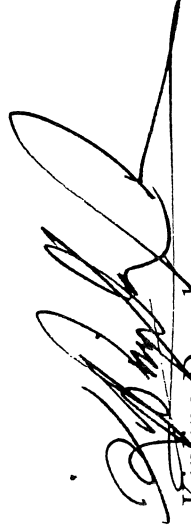
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4 (1) That the affidavit evidence failed to disclose
5 that the plaintiff has any real prospect of
6 succeeding in its claim for a personal injunction;
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8 (2) That damages would be an adequate
9 remedy; and
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11 (3) That the ground of the injunction could lead
12 to confusion.
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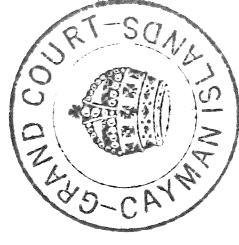
14 The essence of the plaintiff was that there exists as contractual licence for
15 the cranes to remain on the Port, having found that it is very unlikely that
16 any such licence exists.
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18 Accordingly, the granting of the order now applied for would be an
19 ineffective one and that without a licence the plaintiff could be prohibited
20 from entering the Port and operating the cranes.
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22 The court is also reluctant to order an injunction against a public body -
23 Minister of Affairs Trade Industry v S Ltd (1991) E All E.R. 65.
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25 The issue of bias has been argued at length. This is not very relevant to this
26 application, however, I find no evidence of bias on the part of the Authority,
27 whose decision can only be tainted by the bias of one or more of its
28 members. There is not evidence to this effect.
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34 Kipping Douglas
35 JUDGE OF THE GRAND COURT



36 Dated this 26th day of August 1997
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