



Civil Appeal 1/2009

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
ON APPEAL FROM THE SUMMARY COURT**

Grand Court Cause No. <sup>0617</sup> of 2009  
Cause No. SC 439 of 2007

**BETWEEN:** HM PRISON NORTHWARD  
THE ATTORNEY GENERAL Appellants

**AND:** MURPHY POWELL Respondent



**NOTICE OF APPEAL**

**TAKE NOTICE** that the Appellants, **HM PRISON, NORTHWARD AND THE ATTORNEY GENERAL** intend to appeal against the order of the Summary Court made on 13<sup>th</sup> day of November, 2009.

The grounds of appeal are as follows:

- (1) The Learned Magistrate erred in law when she ruled that the respondent had a cause of action in contract notwithstanding her ruling on the preliminary point that there is no employee/employer relationship between the respondent and the appellant.
- (2) The Learned Magistrate erred in law when she found that the Prison Law, 1975 and the Prison Rules (1999 Revision) do not prevent the appellant from contracting with the respondent to pay him all that was paid to HM Prison Northward for his time on the Pre-Release Employment Scheme/Work Release Programme.
- (3) The Learned Magistrate erred in fact when she found on the evidence presented that the former Directors of HM Prison Northward entered into an agreement with the respondent to pay him all that was paid to HM Prison Northward for his time on the Pre-Release Employment Scheme/Work Release Programme.
- (4) The Learned Magistrate erred in finding that there was a breach of the said Agreement and ordered the appellant to pay the sum of Two Thousand Six Hundred and Eighty Nine Dollars (\$2689.00) to the respondent.

- (5) The appellant to add further grounds of appeal upon receipt of the filed judgment.

DATED this 4<sup>th</sup> day of December, 2009

Attorney General's Chambers  
Attorney General's Chambers