

Form 53

Application for leave to apply for judicial review (0.53, r.3)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. G 430 OF 2012

~~BETWEEN: RICHARD HARFORD, INSPECTOR OF POLICE~~

~~PLAINTIFF~~

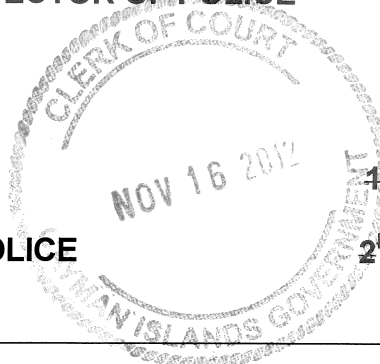
~~AND~~ V.

~~STEPHEN BROUGHAN,  
DEPUTY COMMISSIONER OF POLICE~~

~~1<sup>ST</sup> DEFENDANT~~

~~DAVID BAINES, COMMISSIONER OF POLICE~~

~~2<sup>ND</sup> DEFENDANT~~



To the Clerk of the Court of Law, Law Courts, George Town, Grand Cayman

Name, address and description of applicant

Richard Harford  
64 Moon Beam Dr., Bodden Town

Judgment, order, decision or other proceeding in respect of which relief is sought

A. Decision by ~~1<sup>st</sup> Defendant~~ Deputy Commissioner of Police on 21 September 2012, that the Plaintiff/Applicant is guilty of offences contrary to Police Regulations 1996, being:  
(i) contrary to Police Regulations 5(ii) of the Police regulations (1996 Revision)(attached hereto) AND  
(ii) contrary to Police Regulations 5(y) of the Police regulations (1996 Revision)(attached hereto)

A. As to each charge, an Order by the ~~1<sup>st</sup> Defendant~~ Deputy Commissioner of Police that the Plaintiff/Applicant be demoted by 3 ranks (from Inspector to Constable).

	B. Decision of the 2 <sup>nd</sup> Defendant, <u>Commissioner of Police</u> on 27 September 2012, to decline to hear the Plaintiff's application for review of the decision of the 1 <sup>st</sup> Defendant.
Relief Sought	
<i>Order of certiorari</i> to quash the Decision and Order of the <del>1<sup>st</sup> Defendant</del> <u>Deputy Commissioner of Police</u>	
<i>Order of mandamus</i> directed to the 2 <sup>nd</sup> Defendant <u>Commissioner of Police</u> to hear and determine the Plaintiff's application for review of the decision and order of the <del>1<sup>st</sup> Defendant</del> <u>the Deputy Commissioner</u>	
Name and address of Applicant's Attorney, or if no attorneys acting, the address for service of the applicant	H. Phillip Ebanks, Attorney-at-Law of A4 Queen's Court, West Bay Road, Grand Cayman, KY1-1202, Cayman Islands
Signed	Dated 20 day of October 2012

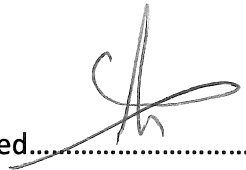
**AMENDED GROUNDS ON WHICH RELIEF IS SOUGHT**

The grounds of this application and upon which said reliefs are sought are:

1. There was no evidence and/or insufficient evidence to support the decision of the Deputy Commissioner Brougham made on 21 ~~July~~ September 2012 and/or the said claim is irrational;
2. The disciplinary proceedings were conducted unfairly and/or in breach of the rules of natural justice;
3. The said decision of Deputy Commissioner Brougham is irrational, unlawful and ultra vires; and
4. The said decision of Commissioner Baines is unlawful and as he has no jurisdiction to refuse to hear the application for review of the decision which had been made by Deputy Commissioner of Police, Brougham

I pray for an oral hearing of this application for leave to apply for Judicial Review.

Dated the 20 day of October, 2012

Signed  .....  
ATTORNEY AT LAW FOR THE APPLICANT

This Application was filed by Hanson P. Ebanks, Attorney at Law, whose address for services is A4 Queen's Court, West Bay Road, Grand Cayman, KY1-1202, Cayman Islands.