

No. 53  
**Application for Leave to Apply for Judicial Review (0.53, r.3)**

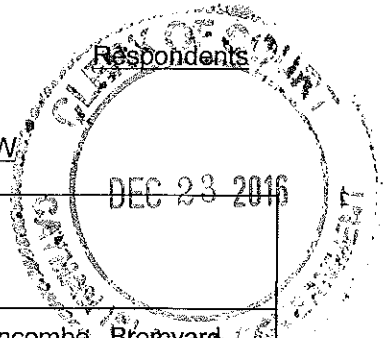
IN THE GRAND COURT OF THE CAYMAN ISLANDS

G0252  
 CAUSE NO: OF 2016

BETWEEN: ELLA MULROY Plaintiff/Applicant

HER EXCELLENCY THE GOVERNOR IN CABINET


APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW



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

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| Name, address and description of applicant(s)  | The Applicant, Ella Mulroy of Durstone Farm, Pencombe, Bromyard, Herefordshire, HR7 4 SD United Kingdom having applied to Her Excellency the Governor in Cabinet for consent to undertake articles of clerkship pursuant to Regulation 16 (b) of the Legal Practitioners (Students) Regulations (2012 Revision) and such application having been refused with no reasons given. |
| Judgment, order, decision or other proceeding in respect of which relief is sought   | The decision of Her Excellency the Governor in Cabinet dated 26 <sup>th</sup> September 2016 refusing permission to the Applicant to register for Articles of Clerkship in the Cayman Islands without providing any reasons such refusal being communicated on the letterhead of The Truman Bodden Law School of the Cayman Islands.  |
| Relief Sought<br>1. An order of <i>Certiorari</i> quashing the said decision of Her Excellency the Governor in Cabinet to refuse consent to the Applicants registration for Articles of Clerkship on the basis that no lawful or rational reason has been given and taken as a whole the refusal was not proportionate and in addition it was procedurally unfair to communicate such decision through The Truman Bodden Law School of the Cayman Islands ;<br><br>2. An order of <i>Mandamus</i> directing Her Excellency the Governor in Cabinet to rehear the application in accordance with Regulation 16 (b) of the Legal Practitioners (Students) Regulations (20102 Revision) and in accordance with the rules of natural justice which apply to all administrative decisions as expounded in the leading authority of <i>Associated Provincial Picture Houses Limited vs. Wednesbury Corporation</i> <sup>1</sup> and having done so to provide proper and adequate reasons for their decision and in accordance with Section 19 of The Cayman Islands Constitution Order 2009.<br><br>3. Such further, consequential, or other relief as to this Honourable Court seems just;<br><br>4. Costs |   |

<sup>1</sup> At 2, above

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| Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant | Bodden & Bodden Attorneys at Law<br>878 Caribbean Plaza, West Bay Road<br>P.O. Box 10335<br>Grand Cayman KY1-1003.<br>Ref: SAB/jc |
| Signed                         | Dated this 22 <sup>nd</sup> December 2016   |

**GROUND ON WHICH RELIEF IS SOUGHT**

The Applicant seeks leave to apply for judicial review on the basis that the decision made by Her Excellency the Governor In Cabinet dated 26<sup>th</sup> September 2016 refusing the Applicant permission to register to undertake Articles of Clerkship was either: (i) unreasonable, (ii) procedurally irregular or (iii) irrational, because the Applicant having submitted proof of her qualifications and evidence of fitness to be registered to undertake Articles of Clerkship in the Cayman Islands together with a letter from local Attorneys Ogier confirming that they would be willing to offer her employment as an articulated clerk was given no reason whatsoever for Her Excellency the Governor in Cabinet's refusal of their consent to allow her to do so despite her immediately requesting reasons for the decision.

It is a long settled principal of the rules of natural justice that proper, adequate reasons must be given; the reasons that are set out whether they be right or wrong must be reasons which not only will be intelligible but also can reasonably be said to deal with the substantial points that have been raised..”.

The Applicant also had a legitimate expectation of being treated in a similarly to other Applicants in her similar position.

**NOTE: The Applicant's Attorneys respectfully request a hearing of this application for leave to apply for judicial review pursuant to Order 53, Rule 3 (3) of the Grand Court Rules.**