

Fees Paid \$100<sup>00</sup>  
 Receipt No. 840977  
 Date 21.1.98

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO. 44 OF 1998

In the Matter of an Application by Mr. Renard Moxam for leave to apply for Judicial Review by way of an Order of Certiorari pursuant to Ord. 53, r. 3.

And in the Matter of the Liquor Licensing Law (1996 Revision)

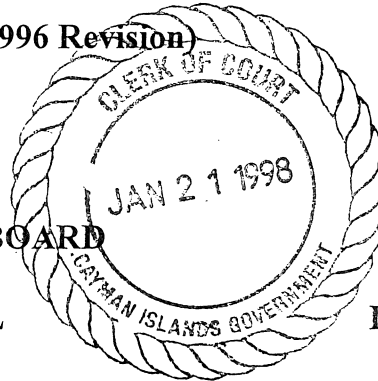
BETWEEN: RENARD MOXAM

PLAINTIFF

AND: THE LIQUOR LICENSING BOARD

AND: THE ATTORNEY GENERAL

DEFENDANTS



APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

To the Clerk of the Court, Law Courts, George Town, Grand Cayman	
Name, Address and description of Applicant(s)	Renard Moxam, Lower Valley P.O. Box 1663 George Town, Grand Cayman, B.W.I.
Judgement, order, decision or other proceeding in respect of which relief is sought	Decision of the Liquor Licensing Board ("the Board") to refuse the grant of a Liquor License pursuant to Section 9(1)(d) of the Liquor Licensing Law (1996 Revision) ("the Law") communicated to the Applicant orally on the 24 <sup>th</sup> day of October 1997 and officially by a letter dated the 6 <sup>th</sup> day of November, 1997 signed by the Chairman of the Board.

1. An Order for Certiorari to remove into the Grand Court of the Cayman Islands to quash the said decision of the Liquor Licensing Board whereby the Board refused the application for the grant of a package license to the Applicant.
2. An Order of Mandamus to oblige the Board to formally reconsider that decision in accordance with the Liquor Licensing Law (1996 Revision).
3. A declaration that the decision to refuse the license is void and/or unlawful and/or
4. A declaration that in light of the only reason given by the Board for refusing the license the Applicant was and is entitled to the grant of a Package License.
5. Damages.
6. Costs.
7. Such further and/or other relief as this Honourable Court deems just.
8. The Applicant requests an oral hearing of this application for leave.

Name and address of Applicant's attorneys, or, if no attorneys acting, the address for service of the Applicant	Ian Boxall & Co. 3 <sup>rd</sup> Floor CIBC Financial Centre Dr. Roy's Drive P.O. Box 1234, George Town, Grand Cayman
Signed <i>Ian Boxall &amp; Co.</i>	Dated <i>January 21<sup>st</sup> 1998</i>

#### GROUNDS ON WHICH RELIEF IS SOUGHT

1. The facts upon which this application for leave to apply by way of judicial review for an Order of Certiorari to quash the decision of the Board made on 24<sup>th</sup> October 1997 and for an Order of Mandamus ordering the Defendants to rehear the application is based are fully set out in the affidavit of Mr. Renard Moxam sworn and filed herein to which the Applicant craves leave to refer.
2. Having regard to the facts set out the said affidavit of Mr. Renard Moxam the legal basis and grounds upon which the order is sought and the relief claimed in the application form filed herein is that the decision purportedly made on 24<sup>th</sup> October 1997 by the Board is void and of no legal effect because it is tainted by illegality as it is based on a misconception of the law applicable to a consideration of an application for a Package License. The Board applied

and acted upon the case of Sharpe v. Wakefield which involved a situation completely different from the circumstances of this case and the principle to be extracted therefrom has no application to an application for a Package License.

3. The Board acted unfairly to the Applicant in that his application was filed before the application of Eldon Rankin and if the area could only accommodate on additional license the applications should have been heard in the order in which they were made and the application of Eldon Rankin ought not to have leap frogged over the application of the Applicant.
4. The decision was irrational having regard to the unchallenged evidence relating to the steady increase in the rise of cruise ship passengers to George Town and to the projections that such increases in the future were likely to continue and to the evidence of Ms. Erskine as to the survey taken by her which evidence the Board did not reject in the conclusion to which it arrived.
5. Accordingly the Applicant respectfully requests a hearing in Chambers of this application pursuant to Ord. 53, r. 3(3) of the Grand Court Rules, 1995.

This application is filed by Ian Boxall & Co., Attorneys-at-Law for the Applicants herein whose address for service is c/o 3<sup>rd</sup> Floor, CIBC Financial Centre, Dr. Roy's Drive, P.O. Box 1234, George Town, Grand Cayman.