

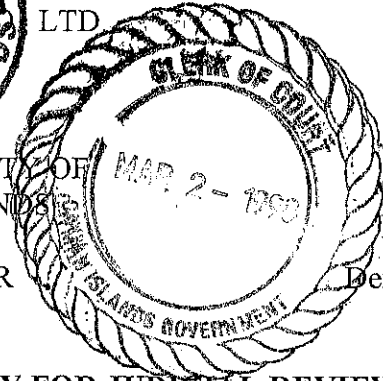
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 150 OF 1998

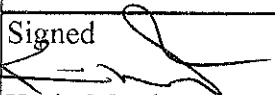
BETWEEN: THOMPSON SHIPPING CO. LTD Plaintiff

AND: (1) THE PORT AUTHORITY OF THE CAYMAN ISLANDS

AND: (2) THE PORT DIRECTOR 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	Thompson Shipping Co. Ltd P.O. Box 188 GT Grand Cayman B.W.I.
Proceeding in respect of which relief is sought	The decision of the first defendant of 15th January, 1998 to consider the plaintiff's application for the renewal of a permit issued under the authority of sec. 123(5) of The Port Regulations (1995 Revision) as an application for a new permit and to refer the consideration thereof to the second defendant.
Relief Sought	
Declaration, certiorari and a stay of proceedings	
Name and address of applicant's attorney	Mrs Karin M. Thompson P.O. Box 1708 GT Grand Cayman B.W.I.
Signed 	Dated
Karin M. Thompson	2nd March, 1998

GROUND ON WHICH RELIEF IS SOUGHT

The grounds on which the relief is sought are the following:

1. The plaintiff is a Caymanian-owned shipping company formed under the laws of the Cayman Islands.
2. The first defendant is established under the provisions of sec. 3 of The Port Authority Law (1995 Revision). It has the general management and control of all ports in the Cayman Islands, including the port of George Town.
3. The second defendant was appointed by the first defendant under the provisions of sec. 3(6) of The Port Authority Law (1995 Revision).
4. The plaintiff was, from 1978 until 1997, the holder of a permit to conduct the business of "Mobile Crane Operation" on the port of George Town under the provisions of sec. 123(5) of The Port Regulations (1995 Revision) ("the permit").
5. The second defendant purported, in 1997, to revoke the permit. The plaintiff contends that such purported revocation is null, void and of no effect. It has begun judicial review proceedings in Cause No. 613 of 1997, wherein it seeks a declaration and an order of certiorari with respect to that purported decision.

6. Notwithstanding such purported revocation of its permit, the plaintiff applied to the first defendant for the renewal thereof on 17th November, 1997.
7. The first defendant decided, on 15th January, 1998, that it would treat the plaintiff's said application as an application for a new permit rather than one for the renewal of the permit and apparently referred the consideration of the plaintiff's said application to the second defendant.
8. The first defendant gave the plaintiff the opportunity of being heard as to whether or not its application should be treated as one for a new permit or as one for the renewal of the permit.
9. The first defendant gave the plaintiff an opportunity of being heard on its application which it considered as one for a new permit.
10. The plaintiff advised the first defendant, prior to and after 15th January, 1998, that its application was strictly for the renewal of the permit which it has held for almost twenty years and refused to attend any hearing by the first defendant where the latter would itself decide whether the plaintiff's application was one for a new permit or one for the renewal of the permit or where the first defendant would consider such application as anything else but an application for such renewal.

11. The plaintiff avers:

- (a) That the permit which was issued by the first defendant to the plaintiff under the authority of sec. 123(5) of The Port Regulations (1995 Revision) for the year 1997 was in force throughout that year and that the purported decision of the second defendant to revoke such permit in 1997 was null, void and of no effect (a matter which depends on the outcome of Cause No. 613 of 1997).
- (b) That the first defendant lacked jurisdiction to decide whether or not the plaintiff's application for the renewal of the permit was, in law, an application for a new permit.
- (c) That the first defendant could only consider the plaintiff's application as one for the renewal of the permit for the year 1998 and could not consider it as an application for a new permit.
- (d) That the decision of the first defendant to consider the plaintiff's application for the renewal of the permit as an application for a new permit is accordingly null, void and of no effect.
- (e) That the decision of the first defendant to refer the plaintiff's application for the renewal of its permit for the year 1998 to the second defendant is null, void and of no effect because:

- (i) In the process of taking such a decision, the first defendant failed in its duty to act fairly toward the plaintiff in that it did not give the plaintiff prior notice of its intention to refer the consideration of its application to the second defendant and it did not give the plaintiff an opportunity of being heard on its application for a renewal of its permit as such.
- (ii) Such consideration is not within the jurisdiction of the second defendant but, rather, within the exclusive jurisdiction of the first defendant.
- (iii) Further and in the alternative, there is there is a real danger that the second defendant is biased because he has already made it very clear that he is against the grant to the plaintiff of any permit to operate a crane service on the George Town dock.

Dated this 2 day of March, 1998



Karin M. Thompson
Attorney-at-law for the plaintiff

To: The Clerk of the Court

REQUEST FOR A HEARING

The plaintiff respectfully requests a hearing of its above application.

TIME ESTIMATE: The estimated time of the hearing of this application is one (1) hour.

THIS APPLICATION was filed by Karin M. Thompson, the attorney-at-law for the plaintiff, whose address for service is The Thompson Shipping Building, P.O. Box 1708, George Town, Grand Cayman, Cayman Islands, B.W.I.