



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 272 OF 1998

BETWEEN

REGD

AND:

THE IMMIGRATION BOARD

RESPONDENT

AND:

DEREK B. WIGHT

APPLICANT

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)	Derek B. Wight, P.O. Box 64GT., South Church Street, George Town, Grand Cayman, Cayman Islands.
Judgment, order, decision or other proceeding in respect of which relief is sought	The decision of the Immigration Board made on the 8 th December 1997 as noted in the facsimile communication from the Chairman of the Immigration Board to Samuel Bulgin the Acting Solicitor General dated 5 th February 1998 attached hereto, to grant Island Companies Ltd. application under sec. 8(2) of The Local Companies (Control) Law (1995 Revision) for consent to transfer over 51% of its shares to Nuance International Holding Ltd.
<p>Relief Sought</p> <ol style="list-style-type: none"> 1. An order of certiorari quashing the said decision of the Immigration Board. 2. An order that this matter be consolidated with Cause No.854 of 1997 currently pending before this Honourable Court, and that both matters be tried together on the date fixed for the hearing of Cause 854 of 1997 on the 27th to 29th May 1998. 3. An order that Nuance International Holding Ltd. re-transfers back to the selling shareholders the shares it holds in ICL in excess of forty percent (40%) of ICL's shares. 4. An order that, simultaneously with the carrying out of an order made under 3. above, Nuance International Holding Ltd. relinquish any directorships and/or control it may have over ICL. 5. Such further and/or other relief as this Honourable Court deems just. 	
Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	Orren Merren & Company, Kirk House Third Floor, P.O. Box 481GT., Albert Panton Street, George Town, Grand Cayman, Cayman Islands, British West Indies.
Signed <i>Orren Merren & Company</i>	Dated 27 th April 1998

GROUND ON WHICH RELIEF IS SOUGHT

1. The Immigration Board ("the Board") acted in breach of the order of the Court of Appeal dated 28th November 1997 in Cause CICA No. 8 of 1996 ordering a rehearing of the application in accordance with procedural fairness.
2. The Board failed to provide a rehearing by failing to consider the application by Island Companies Ltd. ("ICL") in accordance with circumstances and opinion prevailing at the time of the rehearing.
3. The Board failed to observe procedural fairness by failing to consult interested parties, such as Derek B. Wight, who had a legitimate expectation of being consulted on the application, such legitimate expectation arising out of past practice to be consulted in the matter to which the application relates.
4. Further or alternatively, the Board acted unlawfully in that it:
 - (a) failed, despite being put on notice by the Applicant's Attorneys' letter of 3rd December 1997 of his desire to make submissions, to afford the Applicant an opportunity to make highly relevant representations; and/or
 - (b) failed to have regard to relevant considerations in the exercise of its discretion under section 8(2) of the Local Companies (Control) Law (1995 Revision), namely the considerations set out in the affidavit served herewith; and/or
 - (c) failed to adhere to its normal practice (which gave rise to a legitimate expectation) of advertising the application of ICL under section 8(2) in order to receive representations from interested parties including the Applicant.

MEMO

TO: SAMUEL BULGIN, ACTING SOLICITOR GENERAL
FROM: CHAIRMAN, IMMIGRATION BOARD
DATE: 5th FEBRUARY, 1998
RE: IMMIGRATION BOARD EX PARTE KIRK FREEPORT
PLAZA LTD. - CAUSE NO. 854/97

Your letter of 26th January, 1998 refers.

I write to confirm the Board's willingness to stay, for a reasonable period of time, the hearing of the application submitted on behalf of Island Companies Ltd. ("the Company") under section 10 of the Local Companies Control Law ("LCCL")

As you will appreciate, the Company has been operating without a licence under section 10 of the LCCL since the transfer of shares under section 8 of the LCCL was approved by the Board in December, 1997.

The Board is of the view that, taking all matters into consideration, a period of two (2) weeks from Monday 9th of February, 1998 would be a reasonable period of time for the hearing of the Judicial review application and the Board is therefore not prepared to stay the hearing of the section 10 application for any further period of time, in the absence of an order from the Court.

Would you please ensure that all parties to these proceedings are made aware of the Board's decision before 9th February, 1998.

Further, as requested, a copy of the section 8 application by the Company, has been forwarded to you. The application under section 8 was approved on Wednesday 8th December, 1997.


LORNA HAMPSON