

IN THE GRAND COURT OF THE CAYMAN ISLANDS

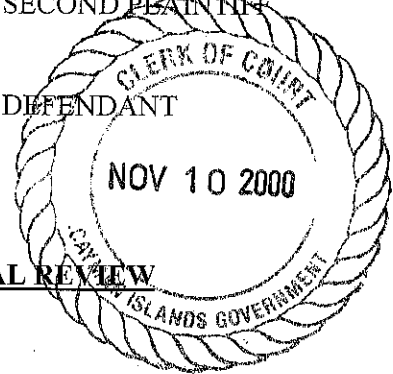
CAUSE NO. 839 OF 2000

BETWEEN: GEORGE THEODORE LANYON BULLMORE
JUDY MARY BULLMORE

FIRST PLAINTIFF
SECOND PLAINTIFF

AND: MRS. GRACE DONALDS

DEFENDANT



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)	George Theodore Lanyon Bullmore and Judy Mary Bullmore 24 Shamrock Road, George Town, Grand Cayman
Judgment, order, decision or other proceeding in respect of which relief is sought	The decision of Mrs. Grace Donalds in her capacity as registering officer pursuant to the Elections Law whereby she refused to enter the names of the Plaintiffs on the electoral register for George Town, Grand Cayman.
Relief Sought	
That the decision of the Defendant be quashed and that the names of the Plaintiffs be placed on the electoral roll for George Town, Grand Cayman as soon as reasonably practical.	
Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	Alan Turner Guy Locke Walkers, Walker House P.O. Box 265, George Town Grand Cayman
Signed <i>Walkers</i>	Date <i>9/11/00</i>

GROUNDS ON WHICH RELIEF IS SOUGHT

1. The Plaintiffs applied on 17th December 1996 to have their names placed on the register of electors for the district of George Town pursuant to Section 4 of the Elections Law. By cover letter dated 17th December 1999 the Plaintiffs submitted that they were entitled to be entered on the electoral register for George Town on the grounds that on 31st August 1984 they were British subjects over 18 years of age, domiciled and resident in the Cayman Islands.
2. In further support of the foregoing facts the Plaintiffs enclosed copies of their passports and the First Plaintiff's gainful occupation licence which was issued in July 1981. They further confirmed that in August 1984 they considered the Cayman Islands to be their home and that they intended to remain in the Cayman Islands. This intention has subsequently been supported by the fact that they have remained in the Cayman Islands to date and now hold permanent residency.
3. By a Notice of Refusal of Application for Registration as an Elector dated 10th April the Registering Officer for the electoral district of George Town rejected the Plaintiffs applications to be registered as electors for the electoral district of George Town on the basis that the Plaintiffs did not meet the residency requirements under the 1984 Law and they would therefore require to qualify under the 31st January 1988 Law.
4. The Plaintiffs wrote to the registering officer requesting details of those respects in which she felt that they did not meet the residency requirements under the 1984 Law.
5. On 15th May 2000 the Registering Officer issued revised notices of refusal stating the grounds for refusal as follows: "*Although he meets requirements, 1 through 4 under the 1984 Law, he does not meet the residency period of seven of the nine years immediately preceding 31/8/84*". The First Plaintiff then telephoned Kathryn Myles pointing out that the residency requirement of "seven of the nine years immediately preceding" did not form part of the 1984 Law but in fact referred to the 1988 Law. Ms. Myles agreed that she had mistakenly confused the requirements of the 1988 and 1984 Laws but that she could not reissue her notice of refusal and the only remaining option was to appeal her decision.

6. Consequently by Notice of Claim dated 31st May 2000 the Plaintiffs submitted that their names had been wrongly omitted from the electoral register for the district of George Town.
7. The Plaintiffs were advised by telephone on or about 2nd October 2000 by Ms. Catherine Myles of the elections office that their appeal against the decision omitting their names from the register of electors for the electoral district of George Town had been refused. The Plaintiffs received written reasons from the Defendant on or about 16th October. These reasons indicated that in the Defendant's opinion the Plaintiffs were not domiciled in the Cayman Islands on 31st August 1984 and therefore disallowed the appeal.
8. The Plaintiffs have always maintained that under Section A of the Elections Law there is a two-part test for eligibility for registration as of 31st August 1984. Firstly there is a requirement that the applicant should be a British subject over the age of 18 as of that date. The second limb of the test is that the applicant should either be ordinarily resident for 5 out of 7 years preceding the date of registration or be domiciled and resident in the Islands at that date. The applicants claim that at the material time they were domiciled and resident in the Islands.
9. The original rejection of the Plaintiffs' applications was based on a cited residency requirement. There was no mention of the Plaintiffs' applications being rejected because they were not domiciled in the Cayman Islands on 31st August 1984. This was not an issue raised on the rejection notice and not an issue the Plaintiffs thought would need to be addressed on appeal and hence why it was not dealt with in submissions to the Defendant. If the Plaintiffs had known this was an issue they would have indicated the following facts and matters to the Defendant:-
 - a) That the Plaintiffs first arrived in the Cayman Islands in January 1975 when the First Plaintiff took up a two year contract of employment with KPMG. The First Plaintiff subsequently transferred to other KPMG offices for career purposes but the Plaintiffs always had the intention of returning to the Cayman Islands to work for KPMG.

- b) In 1981 when the First Plaintiff was based in the Bahamas he was offered a number of alternative positions within KPMG. The Plaintiffs having already lived in the Cayman Islands decided that the First Plaintiff should accept the position as manager with KPMG in the Cayman Islands on the understanding that he would be promoted to partner after a period of approximately 18 months.
 - c) The Plaintiffs were well aware of the fact that the position of partner in a local accountancy firm is a long term one and as a result of their previous stay in the Cayman Islands in the 1970s they determined that they would return to the Cayman Islands with the intention of residing there permanently.
 - d) After arriving back in the Cayman Islands in 1981 the Plaintiffs sold their house in England and used the proceeds of sale to purchase their main and at that time only residence in the Cayman Islands.
 - e) It was always the intention of the Plaintiffs to establish a domicile in the Cayman Islands. The Plaintiffs are well aware of the fact that if they kept their domicile of origin in England they would continue to be liable for UK inheritance tax on world-wide assets should they die. The Plaintiffs have always been aware of the tax advantages of losing their UK domicile by obtaining a domicile of choice in the Cayman Islands.
10. It is respectfully submitted that learned Defendant has misdirected herself in failing to place the names of the Plaintiffs on the electoral list for the district of George Town and has also acted unfairly in rejecting the Plaintiffs application on the basis of domicile when this was not the original ground for rejection.