COLLAS CRILL

Cayman Islands introduces new pre-action discovery mechanism

APRIL 2026

The Cayman Islands Grand Court (the **Court**) has introduced a significant enhancement to its discovery framework through the addition of Rule 7A to Order 24 of the Grand Court Rules, which came into force on 30 March 2026.

Previously, Cayman Islands procedure did not expressly provide for pre-action discovery, so this new mechanism is expected to positively impact how litigation is assessed, commenced and conducted in the jurisdiction.

Rule 7A introduces two key mechanisms

1. **Pre-action discovery:** A prospective plaintiff may apply to the Court for disclosure of documents from a prospective defendant before proceedings are commenced.
2. **Early non-party discovery:** Once proceedings are underway, parties may apply for disclosure from non-parties at an interlocutory stage.

The new rule is expected to support a more efficient litigation process in several ways, including:

- **Informed decision-making:** Pre-action discovery allows a prospective plaintiff to access key documents before issuing proceedings, allowing for a more informed assessment of the merits of a claim before incurring the costs associated with commencing proceedings.
- **Earlier access to critical evidence:** The ability to obtain documents from non-parties during the interlocutory phase enhances case preparation, particularly in complex or multi-party disputes as it removes the procedural constraint of having to wait until the litigation progresses to trial.
- **Improved procedural efficiency:** By promoting early disclosure, the rule supports the Court's overriding objective of resolving disputes in a cost-effective and timely manner.

Procedural overview

Applications under Rule 7A must be made by a summons supported by affidavit evidence which:

- states the grounds on which it is alleged that the applicant and the person against whom the order is sought are likely to be parties to the subsequent proceedings;
- specifies or describes the documents sought;

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.

- explains the relevance of the documents sought to the issues in dispute (or anticipated dispute); and
- describes why it is likely that the respondent will have, or has, or had the documents sought in their possession custody or power.

A positive development

Rule 7A represents a meaningful development in Cayman Islands civil procedure. By enabling earlier and more flexible access to documentary evidence, it enhances transparency, supports early dispute resolution, and brings Cayman Islands practice more in line with other leading common law jurisdictions.

If you have any questions on this topic, please contact a member of the team.

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.

COLLAS CRILL

For more information please contact:



Annalisa Shibli

Counsel | Cayman

t: +1 345 914 9656 | **e:** annalisa.shibli@collascrill.com



Ashley DaCosta

Articled Clerk | Cayman

t: +1 345 936 5950 | **e:** ashley.dacosta@collascrill.com



Rocco Cecere

Partner | Cayman

t: +1 345 914 9630 | **e:** rocco.cecere@collascrill.com



Matthew Dors

Partner | Cayman

t: +1 345 914 9631 | **e:** matthew.dors@collascrill.com

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.