

FOREIGN TRIBUNALS.

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7 OF 1908.

TO PROVIDE FOR TAKING EVIDENCE IN CYPRUS IN RELATION TO CIVIL COMMERCIAL AND CRIMINAL MATTERS PENDING BEFORE TRIBUNALS OTHER THAN THOSE OF CYPRUS.

C. A. KING-HARMAN.]

[June 3, 1908.

1. This Law may be cited as the Foreign Tribunal Evidence Law, 1908. Short title,

2. In and for the purposes of this Law (unless the context otherwise requires):— Definitions.

“ The Court ” shall mean the Supreme Court of Cyprus and any Judge of such Court;

“ Foreign ” shall mean and include any country other than Cyprus.

3. Where upon an application for this purpose it is made to appear to the Court by Commission Rogatoire or Letter of Request or other evidence as hereinafter provided that any Court or Tribunal of competent jurisdiction in a foreign country before which any civil, commercial, or criminal matter not being of a political character is pending, is desirous of obtaining the testimony in relation to such matter of any witness or witnesses within the jurisdiction of the Court, the Court may, on the ex-parte application of any person shown to be duly authorized to make the application on behalf of such Foreign Court or Tribunal and on production of the Commission Rogatoire or Letter of Request or such other evidence as the Court may require, order the examination upon oath upon interrogatories or otherwise before any person or persons named in such order of such witness or witnesses accordingly, and may make such order or orders as may be necessary to obtain such testimony.

Power to make order for examination of witnesses in proceedings pending before foreign Tribunal.

See Law 15 of 1933

Law 15/1933

(2) *An order etc*

Power to command attendance of witnesses and production of documents.

4. By any order made under the provisions of section three of this Law, the Court may by such order or by any subsequent order command the attendance of any person to be named in such order for the purpose of being examined or the production of any writings or other documents to be mentioned in such order, and give all such directions as to the time, place, and manner of such examination and all other matters connected therewith as may appear reasonable and just, and any such order may be enforced in like manner as an order made by such Court in a cause depending in such Court.

Form of order.

5. An order made under this Law shall be in the form provided in the first Schedule to this Law with such variations as circumstances may require.

amended
Law 38/1934
Persons before whom examination may be taken.

6. The examination may be ordered to be taken before any fit and proper person nominated by the person applying, or before any advocate of the Supreme Court of Cyprus or such other qualified person as to the Court may seem fit.

Examination of witnesses to be taken on oath.

7. It shall be lawful for every person authorized to take the examination of witnesses by any order made in pursuance of this Law to take all such examinations upon the oath of the witnesses or affirmation in cases where affirmation is allowed by Law instead of oath to be administered by the person so authorized, and if upon such oath or affirmation any person making the same wilfully and corruptly give any false evidence every person so offending shall be deemed and taken to be guilty of perjury.

Provided always that:—

(a.) Every person whose attendance shall be so required shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial.

(b.) Every person examined under any order made under this Law shall have the like right to refuse to answer questions tending to criminate himself and other questions which a witness in any cause pending in the Court by which the order for examination was made would be entitled to, and no person shall be compelled to produce under any such order as aforesaid any writing or other document that he would not be compellable to produce at a trial of such a cause.

Examiner to forward papers to Registrar for transmission to necessary authority.

8. Unless otherwise provided in the order for examination, the examiner before whom the examination is taken shall on its completion forward the same to the Registrar of the Court, and on receipt thereof, the Registrar shall append thereto a certificate in the

form provided in the second Schedule to this Law with such variations as circumstances may require, duly sealed with the seal of the Court for use out of the jurisdiction, and shall forward the depositions so certified and the Commission Rogatoire or Letter of Request, if any, to the Chief Secretary for transmission through the Secretary of State to the Foreign Court or Tribunal requiring the same.

9. An order made under this Law may if the Court shall think fit direct the said examination to be taken in such manner as may be requested by the Commission Rogatoire or Letter of Request from the foreign Court or therein signified to be in accordance with the practice or requirements of such Court or Tribunal or which may for the same reason be requested by the applicant for such order. But in the absence of any such special directions being given in the order for examination the same shall be taken in such manner as may be prescribed by the Court.

Procedure on examination.

10. Where a Commission Rogatoire or Letter of Request as mentioned in section three of this Law is transmitted to the Court by the Secretary of State with an intimation that it is desirable that effect should be given to the same without requiring an application to be made to the Court by the agents in Cyprus of any of the parties to the action or matter in the foreign country, the Registrar of the Court shall transmit the same to the King's Advocate who may thereupon with the consent of the High Commissioner make such application and take such steps as may be necessary to give effect to such Commission Rogatoire or Letter of Request in accordance with sections three to nine of this Law.

King's Advocate to take action in certain cases.

SCHEDULE I.

ORDER UNDER THE FOREIGN TRIBUNAL EVIDENCE LAW, 1908.

In the Supreme Court of Cyprus.

(^a) Judge of the Supreme Court of Cyprus.

(a) Name of Judge.

In the matter of the Foreign Tribunal Evidence Law, 1908.

And in the matter of a (Civil Commercial or Criminal) proceeding now pending before (^b)

(b) Description of Foreign Tribunal.

intituled as follows:—

Between

Plaintiff,

and

Defendant.

Upon reading the affidavit (if any) of filed the day of that proceedings are pending in the in (^c)

(c) Name of Foreign Country.

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of obtaining the testimony of (^d)

and that such Court is desirous

(d) Names of witnesses.

(e) Name and address of examiner.
 (f) Place appointed for examination.
 (g) Description of documents, if any, required to be produced.

It is ordered that the said witness do attend before (e) who is hereby appointed examiner herein, at (f) on the _____ day of _____ 19____, at _____ o'clock, or such other day and time as the said examiner may appoint, and do there submit to be examined upon oath, or affirmation, touching the testimony so required as aforesaid, and do then and there produce (g).

And it is further ordered that the said examiner do take down in writing the evidence of the said witness, or witnesses, according to the rules and practice of the Supreme Court of Cyprus pertaining to the examination and cross-examination of witnesses (or as may be otherwise directed); and do cause each and every such witness to sign his or her depositions in his, the said examiner's presence; and do sign the depositions taken in pursuance of this order, and when so completed, do transmit the same, together with this order, to the Registrar of the Supreme Court of Cyprus, Nicosia, for transmission through the Chief Secretary and the Secretary of State to the said foreign Court or Tribunal requiring the same.

Dated this _____ day of _____ 19____

SCHEDULE II.

CERTIFICATE UNDER THE FOREIGN TRIBUNAL EVIDENCE LAW, 1908.

I, _____ Registrar of the Supreme Court of Cyprus, hereby certify that the documents annexed hereto are (1) the original order of the Supreme Court of Cyprus dated the _____ day of _____ 19____ made in the matter of _____ pending in the _____ at _____ in the _____ of _____ directing the examination of certain witnesses to be taken before _____, and (2) the examination and depositions taken by the said _____ pursuant to the said order, and duly signed and completed by him on the _____ day of _____ 19____

Dated this _____ day of _____ 19____

4 OF 1912.

TO PROVIDE FOR SERVICE OF PROCESS OR CITATION IN CYPRUS IN RELATION TO CIVIL OR COMMERCIAL MATTERS PENDING BEFORE COURTS AND TRIBUNALS OTHER THAN THOSE OF CYPRUS.

HAMILTON GOULD-ADAMS.]

[May 14, 1912.

Short title.

1. This Law may be cited as the Foreign Tribunal Citation Law, 1912.