



# Evidence (Proceedings in Other Jurisdictions) Act 1975

1975 CHAPTER 34

*Supplementary*

## **7 Rules of court**

The power to make rules of court under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 or section 7 of the Northern Ireland Act 1962 shall include power to make rules of court—

- (a) as to the manner in which any such application as is mentioned in section 1 above is to be made;
- (b) subject to the provisions of this Act, as to the circumstances in which an order can be made under section 2 above; and
- (c) as to the manner in which any such reference as is mentioned in section 3(2) above is to be made;

and any such rules may include such incidental, supplementary and consequential provision as the authority making the rules may consider necessary or expedient.

## **8 Consequential amendments and repeals**

- (1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Act.
- (2) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Nothing in this section shall affect—
  - (a) any application to any court or judge which is pending at the commencement of this Act;
  - (b) any certificate given for the purposes of any such application;
  - (c) any power to make an order on such an application; or

(d) the operation or enforcement of any order made on such an application.

(4) Subsection (3) above is without prejudice to section 38(2) of the Interpretation Act 1889 (effect of repeals).

## **9 Interpretation**

(1) In this Act—

"civil proceedings", in relation to the requesting court, means proceedings in any civil or commercial matter;

"requesting court" has the meaning given in section 1 above;

"property" includes any land, chattel or other corporeal property of any description ;

"request" includes any commission, order or other process issued by or on behalf of the requesting court.

(2) In relation to any application made in pursuance of a request issued by the High Court under section 85 of the County Courts Act 1959 or the High Court of Justice in Northern Ireland under section 58 of the County Courts Act (Northern Ireland) 1959, the reference in section 1(b) above to proceedings instituted before the requesting court shall be construed as a reference to the relevant proceedings in the county court.

(3) Any power conferred by this Act to make an Order in Council includes power to revoke or vary any such Order by a subsequent Order in Council.

(4) Nothing in this Act shall be construed as enabling any court to make an order that is binding on the Crown or on any person in his capacity as an officer or servant of the Crown.

(5) Except so far as the context otherwise requires, any reference in this Act to any enactment is a reference to that enactment as amended or extended by or under any other enactment.

## **10 Short title, commencement and extent**

(1) This Act may be cited as the Evidence (Proceedings in Other Jurisdictions) Act 1975.

(2) This Act shall come into operation on such day as Her Majesty may by Order in Council appoint.

(3) Her Majesty may by Order in Council make provision for extending any of the provisions of this Act (including section 6 or any Order in Council made thereunder), with such exceptions, adaptations or modifications as may be specified in the Order, to any of the Channel Islands, the Isle of Man, any colony (other than a colony for whose external relations a country other than the United Kingdom is responsible) or any country or territory outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of Her Majesty's Government in the United Kingdom.