

1972 No. 116

EVIDENCE

The Evidence (Luxembourg) Order 1972

Made - - - - 4th February 1972
Coming into Operation 25th February 1972

At the Court at Buckingham Palace, the 4th day of February 1972

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty in Council is satisfied that there exist in Luxembourg public registers kept under the authority of the law of Luxembourg and recognised by the courts thereof as authentic records, and that those registers are regularly and properly kept:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by section 5(1) of the Oaths and Evidence (Overseas Authorities and Countries) Act 1963(a) and all other powers in that behalf in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order shall come into operation on 25th February 1972 and may be cited as the Evidence (Luxembourg) Order 1972.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. This Order extends to all parts of the United Kingdom.

3. The registers of Luxembourg specified in the first column of the Schedule to this Order shall be deemed to be public registers kept under the authority of the law of Luxembourg and recognised by the courts thereof as authentic records and to be documents of such a public nature as to be admissible as evidence of the matters regularly recorded therein.

4. For the purposes of the preceding Article all matters recorded in the registers shall be deemed, until the contrary is proved, to be regularly recorded therein.

5. Subject to any requirements of rules of court, a document which purports to be issued in Luxembourg as an official copy of an entry in a register specified in the first column of the Schedule to this Order and which purports to be authenticated as such in the manner specified in that Schedule, shall, without evidence as to the custody of the register or of inability to produce it and without any further or other proof, be received as evidence that the register contains such an entry.

(a) 1963 c. 27.

(b) 1889 c. 63.

6. Nothing in this Order shall be taken to prohibit or restrict the admission in evidence of any copy, extract, summary, certificate or other document whatsoever which, apart from the provisions of this Order, would be admissible as evidence of any particular matter, or to affect any power which, otherwise than by virtue of this Order, is exercisable by any court with respect to the admission of documents in evidence.

W. G. Agnew.

Articles 3 & 5

SCHEDULE

Register	Certifying Officer	Mode of Authentication
Register of Births ...	Registrar (Officier de l'état civil or Zivilstandesbeamte) or Clerk to the Tribunal of first instance (Greffier du Tribunal de première instance or Gerichtssekretär).	The signature of the Registrar and the seal of the Commune or The signature of the Clerk to the Tribunal of first instance and the seal of the Tribunal.
Register of Marriages	do.	do.
Register of Deaths ...	do.	do.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes entries contained in specified public registers of Luxembourg admissible in evidence in the United Kingdom and provides for their proof by official certificates.

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