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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 34**

**[<sup>F1</sup>WITNESSES, DEPOSITIONS AND EVIDENCE FOR FOREIGN COURTS]**

***[<sup>F1</sup>I WITNESSES AND DEPOSITIONS]***

**Where a person to be examined is out of the jurisdiction—letter of request**

**34.13.**—[<sup>F1</sup>(1) This rule applies where a party wishes to take a deposition from a person who is—

- (a) out of the jurisdiction; and
- (b) not in a Regulation State within the meaning of Section III of this Part.

(1A) The High Court may order the issue of a letter of request to the judicial authorities of the country in which the proposed deponent is.]

(2) A letter of request is a request to a judicial authority to take the evidence of that person, or arrange for it to be taken.

(3) The High Court may make an order under this rule in relation to county court proceedings.

(4) If the government of [<sup>F2</sup>a] country <sup>F3</sup>... allows a person appointed by the High Court to examine a person in that country, the High Court may make an order appointing a special examiner for that purpose.

(5) A person may be examined under this rule on oath or affirmation or in accordance with any procedure permitted in the country in which the examination is to take place.

(6) If the High Court makes an order for the issue of a letter of request, the party who sought the order must file—

- (a) the following documents and, except where paragraph (7) applies, a translation of them—
  - (i) a draft letter of request;
  - (ii) a statement of the issues relevant to the proceedings;
  - (iii) a list of questions or the subject matter of questions to be put to the person to be examined; and
- (b) an undertaking to be responsible for the Secretary of State's expenses.

(7) There is no need to file a translation if—

- (a) English is one of the official languages of the country where the examination is to take place; or
- (b) a practice direction has specified that country as a country where no translation is necessary.

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**Status:** Point in time view as at 01/10/2007. This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, Section 34.13. (See end of Document for details)

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#### **Textual Amendments**

- F1** Rule 34.13(1)(1A) substituted for rule 34.13(1) (1.1.2004) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(a), 7
- F2** Word in rule 34.13(4) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **11(a)(i)**
- F3** Words in rule 34.13(4) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **11(a)(ii)**
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#### **Commencement Information**

- I1** Rule 34.13 in force at 26.4.1999, see [Signature](#)

**Status:**

Point in time view as at 01/10/2007. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 34.13.