
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 34

[^{F1}WITNESSES, DEPOSITIONS AND EVIDENCE FOR FOREIGN COURTS]

[^{F1}III TAKING OF EVIDENCE—MEMBER STATES OF THE EUROPEAN UNION

[^{F1}Where a person to be examined is in another Regulation State

34.23.—(1) [^{F2}Subject to rule 34.13A, this] rule applies where a party wishes to take a deposition from a person [^{F3}who is in another Regulation State].

(2) The court may order the issue of a request to a designated court (“the requested court”) in the Regulation State in which the proposed deponent is.

(3) If the court makes an order for the issue of a request, the party who sought the order must file—

- (a) a draft Form A as set out in the annex to the Taking of Evidence Regulation (request for the taking of evidence);
- (b) except where paragraph (4) applies, a translation of the form;
- (c) an undertaking to be responsible for costs sought by the requested court in relation to—
 - (i) fees paid to experts and interpreters; and
 - (ii) where requested by that party, the use of special procedures or communications technology; and

(d) an undertaking to be responsible for the court’s expenses.

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

- (a) English is one of the official languages of the Regulation State where the examination is to take place; or
- (b) the Regulation State has indicated, in accordance with the Taking of Evidence Regulation, that English is a language which it will accept.

(5) Where article 17 of the Taking of Evidence Regulation (direct taking of evidence by the requested court) allows evidence to be taken directly in another Regulation State, the court may make an order for the submission of a request in accordance with that article.

(6) If the court makes an order for the submission of a request under paragraph (5), the party who sought the order must file—

- (a) a draft Form I as set out in the annex to the Taking of Evidence Regulation (request for direct taking of evidence);
- (b) except where paragraph (4) applies, a translation of the form; and
- (c) an undertaking to be responsible for the court’s expenses.]

Status: Point in time view as at 30/09/2020. This version of this provision has been superseded.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 34.23. (See end of Document for details)

Textual Amendments

- F1** Pt. 34 Section 3 inserted (1.1.2004) by The Civil Procedure (Amendment No. 4) Rules 2003 (S.I. 2003/2113), rule 1(a), **Sch. 1 Pt. 2**
- F2** Words in rule 34.23(1) substituted (1.2.2004) by The Civil Procedure (Amendment No. 5) Rules 2003 (S.I. 2003/3361), rules 1(a), **7**
- F3** Words in rule 34.23(1) substituted (1.6.2004) by The Civil Procedure (Amendment) Rules 2004 (S.I. 2004/1306), rules 1(a), **7**

Status:

Point in time view as at 30/09/2020. 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 34.23.