

CYPRUS

FOREIGN TRIBUNAL EVIDENCE

CHAPTER 12 OF THE LAWS

1959 EDITION

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1959

CHAPTER 12.

FOREIGN TRIBUNAL (EVIDENCE).

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

[3rd June, 1908.] 1949 Cap. 18.

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

2. In this Law—

“the Court” means the Supreme Court of Cyprus and includes any Judge of such Court ;

“foreign” includes any country other than Cyprus.

Interpretation.

3. (1) 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,

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

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.

2 of 15/33.

(2) An order for examination under this section may be made notwithstanding that the testimony of the person to be examined is required for the purpose of proceedings pending or intended to be instituted against him or to which he is a party :

Provided that where such testimony is required for the purpose of criminal proceedings against such person the person before whom the examination is taken shall warn him that he may refuse to answer any question which may tend to criminate him.

Power to
command
attendance
of
witnesses
and
production
of
documents.

4. By any order made under the provisions of section 3 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.
First
Schedule.

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.

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.

Where the person taking the examination is not in Her Majesty's service, he may be paid a remuneration consisting