

FOREIGN TRIBUNALS.

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7 OF 1908.

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

C. A. KING-HARMAN.]

[June 3, 1908.]

1. This Law may be cited as the Foreign Tribunal Evidence Law, Short title,
1908.

2. In and for the purposes of this Law (unless the context other- Definitions.
wise requires):—

“The Court” shall mean the Supreme Court of Cyprus and any
Judge of such Court;

“Foreign” shall mean and include any country other than
Cyprus.

3. 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 com-
petent jurisdiction in a foreign country before which any civil,
commercial, or criminal matter not being of a political character is
pending, is desirous of obtaining the testimony in relation to such
matter of any witness or witnessess 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 Com-
mission Rogatoire or Letter of Request or such other evidence as the
Court may require, order the examination upon oath upon interroga-
tories 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.

Power to
make order
for examina-
tion of
witnesses in
proceedings
pending
before
foreign
Tribunal.

(2) An order etc. . . .

See Law
15 of 1933

Law 15/1933

Power to command attendance of witnesses and production of documents.

4. By any order made under the provisions of section three 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.

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.

amended
Law 38/1934
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.

Examination of witnesses to be taken on oath.

7. It shall be lawful for every person authorized to take the examination of witnesses by any order made in pursuance of this Law to take all such examinations upon the oath of the witnesses or affirmation in cases where affirmation is allowed by Law instead of oath to be administered by the person so authorized, and if upon such oath or affirmation any person making the same wilfully and corruptly give any false evidence every person so offending shall be deemed and taken to be guilty of perjury.

Provided always that:—

(a.) Every person whose attendance shall be so required shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial.

(b.) Every person examined under any order made under this Law shall have the like right to refuse to answer questions tending to criminate himself and other questions which a witness in any cause pending in the Court by which the order for examination was made would be entitled to, and no person shall be compelled to produce under any such order as aforesaid any writing or other document that he would not be compellable to produce at a trial of such a cause.

Examiner to forward papers to Registrar for transmission to necessary authority.

8. Unless otherwise provided in the order for examination, the examiner before whom the examination is taken shall on its completion forward the same to the Registrar of the Court, and on receipt thereof, the Registrar shall append thereto a certificate in the