

CHAPTER 11:03
FOREIGN TRIBUNALS EVIDENCE
ARRANGEMENT OF SECTIONS

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HCN 68, 1910.

An Act to provide for taking evidence in the High Court in relation to civil and commercial matters pending before foreign tribunals.

[Date of Commencement: 5th September, 1910]

1. Short title

This Act may be cited as the Foreign Tribunals Evidence Act.

2. Order for the examination of witnesses in relation to matters pending before a foreign tribunal

(1) Where, upon an application for this purpose, it appears to the High Court that any court or tribunal of competent jurisdiction in another country, before which any civil or commercial matter is pending, is desirous of obtaining the testimony in relation to such matter of any witness within the jurisdiction of the High Court, the High Court may order the examination of the witness upon oath, upon interrogatories or otherwise, before any person named in the order.

(2) The High Court may order the attendance of any person for the purpose of being examined, or the production of specified writings or other documents and give all such directions as to the time, place, and manner of such examination, and all other matters connected therewith as the High Court thinks proper.

(3) Any order of the High Court under this section may be enforced in the same manner as an order made in a cause pending in the High Court.

3. Certificate of ambassador, etc. sufficient evidence in support of application

A certificate under the hand of an accredited ambassador, minister, or other diplomatic agent or consular officer that any matter in relation to which an application is made under this Act is a civil or commercial matter pending before a court or tribunal in the country of which he is the diplomatic agent or consular officer, and that the court or tribunal is desirous of obtaining the testimony of any witness to whom the application relates, shall be evidence of the matters so certified; but where no such certificate is produced, other evidence to that effect shall be admissible.

4. Examination of witnesses to be taken upon oath

A person authorized to take the examination of a witness by an order made under this Act may take all such examinations upon oath.

5. Expenses of witnesses

Every person whose attendance is required under this Act shall be entitled to the like payments as upon attendance at a trial in the High Court.

6. Extent of right of refusal to answer questions and to produce documents

Every person examined under an order made under this Act shall have the like right to refuse to answer questions tending to criminate himself, and other questions, as a witness in

any cause pending in the High Court would be entitled to; and no person shall be compelled to produce under any order any writing or other document that he would not be compellable to produce at a trial of such a cause.