



# Evidence (Proceedings in Other Jurisdictions) Act 1975

## 1975 CHAPTER 34

### *Evidence for civil proceedings*

- 2 Power of United Kingdom court to give effect to application for assistance.**
- (1) Subject to the provisions of this section, the High Court, the Court of Session and the High Court of Justice in Northern Ireland shall each have power, on any such application as is mentioned in section 1 above, by order to make such provision for obtaining evidence in the part of the United Kingdom in which it exercises jurisdiction as may appear to the court to be appropriate for the purpose of giving effect to the request in pursuance of which the application is made; and any such order may require a person specified therein to take such steps as the court may consider appropriate for that purpose.
  - (2) Without prejudice to the generality of subsection (1) above but subject to the provisions of this section, an order under this section may, in particular, make provision—
    - (a) for the examination of witnesses, either orally or in writing;
    - (b) for the production of documents;
    - (c) for the inspection, photographing, preservation, custody or detention of any property;
    - (d) for the taking of samples of any property and the carrying out of any experiments on or with any property;
    - (e) for the medical examination of any person;
    - (f) without prejudice to paragraph (e) above, for the taking and testing of samples of blood from any person.
  - (3) An order under this section shall not require any particular steps to be taken unless they are steps which can be required to be taken by way of obtaining evidence for the purposes of civil proceedings in the court making the order (whether or not proceedings of the same description as those to which the application for the order relates); but this subsection shall not preclude the making of an order requiring a

---

**Changes to legislation:** There are currently no known outstanding effects for the Evidence (Proceedings in Other Jurisdictions) Act 1975, Section 2. (See end of Document for details)

---

person to give testimony (either orally or in writing) otherwise than on oath where this is asked for by the requesting court.

- (4) An order under this section shall not require a person—
- (a) to state what documents relevant to the proceedings to which the application for the order relates are or have been in his possession, custody or power; or
  - (b) to produce any documents other than particular documents specified in the order as being documents appearing to the court making the order to be, or to be likely to be, in his possession, custody or power.
- (5) A person who, by virtue of an order under this section, is required to attend at any place shall be entitled to the like conduct money and payment for expenses and loss of time as on attendance as a witness in civil proceedings before the court making the order.

**Modifications etc. (not altering text)**

**C1** S. 2 extended by S.I. 1976/428, art. 2 and Patents Act 1977 (c. 37), s. 92(1)

**C2** S. 2 restricted by Protection of Trading Interests Act 1980 (c. 11, SIF 124:1), s. 4

**Changes to legislation:**

There are currently no known outstanding effects for the Evidence (Proceedings in Other Jurisdictions) Act 1975, Section 2.