
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 34

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

[^{F1}I WITNESSES AND DEPOSITIONS]

Where a person to be examined is out of the jurisdiction—letter of request

34.13.—[^{F1}(1) This rule applies where a party wishes to take a deposition from a person who is—

(a) out of the jurisdiction; ^{F2}...

^{F3}(b)

(1A) The High Court may order the issue of a letter of request to the judicial authorities of the country in which the proposed deponent is.]

(2) A letter of request is a request to a judicial authority to take the evidence of that person, or arrange for it to be taken.

(3) The High Court may make an order under this rule in relation to [^{F4}County Court] proceedings [^{F5}and tribunal proceedings].

(4) If the government of [^{F6}a] country ^{F7}... allows a person appointed by the High Court to examine a person in that country, the High Court may make an order appointing a special examiner for that purpose.

(5) A person may be examined under this rule on oath or affirmation or in accordance with any procedure permitted in the country in which the examination is to take place.

(6) If the High Court makes an order for the issue of a letter of request, the party who sought the order must file [^{F8}with the Foreign Process Section of the Central Office of the High Court in the Royal Courts of Justice]—

(a) the following documents and, except where paragraph (7) applies, a translation of them—

(i) a draft letter of request;

(ii) a statement of the issues relevant to the proceedings;

(iii) a list of questions or the subject matter of questions to be put to the person to be examined; and

(b) an undertaking to be responsible for the Secretary of State's expenses.

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

(a) English is one of the official languages of the country where the examination is to take place; or

(b) a practice direction has specified that country as a country where no translation is necessary.

Textual Amendments

- F1** Rule 34.13(1)(1A) substituted for rule 34.13(1) (1.1.2004) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(a), 7
- F2** Word in rule 34.13(1)(a) omitted (31.12.2020) by virtue of [The Civil Procedure Rules 1998 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/521\)](#), regs. 1(1), **12(3)(a)** (with reg. 23) (as amended by [S.I. 2020/1493](#), regs. 1(1), 9(2)(f); 2020 c. 1, Sch. 5 para. 1(1))
- F3** Rule 34.13(1)(b) omitted (31.12.2020) by virtue of [The Civil Procedure Rules 1998 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/521\)](#), regs. 1(1), **12(3)(b)** (with reg. 23) (as amended by [S.I. 2020/1493](#), regs. 1(1), 9(2)(f); 2020 c. 1, Sch. 5 para. 1(1))
- F4** Words in Rules substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **4(a)(ii)**; [S.I. 2014/954](#), art. 2(a)
- F5** Words in rule 34.13(3) inserted (1.10.2023 immediately after [S.I. 2023/572](#) comes into force) by [The Civil Procedure \(Amendment No. 3\) Rules 2023 \(S.I. 2023/788\)](#), rules 1(1), **18(a)**
- F6** Word in rule 34.13(4) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **11(a)(i)**
- F7** Words in rule 34.13(4) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **11(a)(ii)**
- F8** Words in rule 34.13(6) inserted (1.10.2023 immediately after [S.I. 2023/572](#) comes into force) by [The Civil Procedure \(Amendment No. 3\) Rules 2023 \(S.I. 2023/788\)](#), rules 1(1), **18(b)**

Commencement Information

- I1** Rule 34.13 in force at 26.4.1999, see [Signature](#)

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 34.13.