
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 14

ADMISSIONS, EVIDENCE AND DEPOSITIONS

Taking evidence outside the jurisdiction

Where a person to be examined is in another Regulation State

- 14.22.**—(1) This rule applies where a party wishes to take a deposition from a person who is—
- (a) outside the jurisdiction; and
 - (b) in a Regulation State.
- (2) The court may order the issue of the request to a designated court (“the requested court”) in the Regulation State in which the proposed deponent is.
- (3) If the court makes an order for the issue of a request, the party who sought the order must file—
- (a) a draft Form A, as set out in the Annex to the Taking of Evidence Regulation (request for the taking of evidence);
 - (b) except where paragraph (4) applies, a translation of the form;
 - (c) an undertaking to be responsible for the costs sought by the requested court in relation to—
 - (i) fees paid to experts and interpreters; and
 - (ii) where requested by that party, the use of special procedure or communications technology; and
 - (d) an undertaking to be responsible for the court’s expenses.
- (4) There is no need to file a translation if—
- (a) English is one of the official languages of the Regulation State where the examination is to take place; or
 - (b) the Regulation State has indicated, in accordance with the Taking of Evidence Regulation, that English is a language which it will accept.
- (5) Where article 17 of the Taking of Evidence Regulation (direct taking of evidence by the requested court) allows evidence to be taken directly in another Regulation State, the court may make an order for the submission of a request in accordance with that article.
- (6) If the court makes an order for the submission of a request under paragraph (5), the party who sought the order must file—
- (a) a draft Form I as set out in the Annex to the Taking of Evidence Regulation (request for direct taking of evidence);
 - (b) except where paragraph (4) applies, a translation of the form; and
 - (c) an undertaking to be responsible for the requested court’s expenses.