
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 out of the jurisdiction – letter of request

14.23.—(1) This rule applies where a party wishes to take a deposition from a person who is—

- (a) out of the jurisdiction; and
- (b) not in a Regulation State within the meaning of rule 14.21.

(2) The court may order the issue of a letter of request to the judicial authorities of the country in which the proposed deponent is.

(3) 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.

(4) If the government of a country permits a person appointed by the court to examine a person in that country, the 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 in accordance with any procedure permitted in the country in which the examination is to take place.

(6) If the court makes an order for the issue of a letter of request, the party who sought the order must file—

- (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; and
 - (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.