

Magistrates Court Rules 1932—Form 20

(see s 97B (1))

Order for examination—evidence for foreign tribunal

Magistrates Court

In the matter of a (Civil *or* Commercial) proceeding now pending before
[*description of Foreign Tribunal*].

Between:

Plaintiff

and

Defendant

On reading the affidavit (if any) of _____ filed
on _____, and the certificate of [*name and description, as
ambassador, minister, diplomatic agent or consul of the foreign country*]
that proceedings are pending in the [*description of foreign tribunal*] in
[*name of foreign country*] and that such court wishes to obtain the
testimony of [*names of witnesses*]:

It is ordered that the witness (*or* witnesses) do attend before [*name and
address of examiner*], who is appointed examiner, at [*place appointed for
examination*] on _____ at _____, or any other day and time
that the examiner may appoint, and do there submit to be examined on
oath, or affirmation, about the testimony so required, and do then and there
produce [*description of documents, if any, required to be produced*].

And it is further ordered that the examiner do take down in writing the evidence of the witness (*or* witnesses) according to the rules and practice of the Magistrates Court relating to the examination and cross-examination of witnesses [*or as may be otherwise directed*]; and do cause each and every witness to sign his or her depositions in his or her, the examiner's presence; and do sign the depositions taken under this order, and when so completed, do transmit the depositions, together with this order, to the Registrar for transmission as provided.

Dated:

Magistrate

Endnotes

- 1 This form was originally in the *Magistrates Court Rules*, schedule 1. Under amendments made by the *Legislation (Consequential Amendments) Act 2001*, the form was omitted from the regulations and became a form approved under section 256 of the *Magistrates Court Act 1930* (the **authorising Act**) (see amdt 1.2764, amdt 1.2782).
- 2 Under the *Court Procedures Act 2004* A2004-58, pt 8, this form became a form approved under that Act.
- 3 This republication includes amendments made under the Legislation Act, part 11.3 (Editorial changes).

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