

OFFICE OF THE ATTORNEY GENERAL AND

MINISTRY OF FOREIGN AFFAIRS

SUPREME COURT

S.I. No. 4 of 2001

**THE SUPREME COURT ACT, 1996
(No. 15 of 1996)**

**THE RULES OF THE SUPREME COURT
(AMENDMENT) RULES, 2001**

The Rules Committee, in exercise of the powers conferred by section 76 of the Supreme Court Act, 1996, makes the following rules .

Citation.

1. These rules may be cited as the Rules of the Supreme Court (Amendment) Rules, 2001.

**Amendment
of Order 65
of Sub. Leg.**

2. Order 65 of the Rules of the Supreme Court is amended by the insertion immediately after rule 5 of the following new rule .

“Claim to privilege (0.65, r.6).

**Vol. II,
p. 531.**

6. (1) The provisions of this rule shall have effect where a claim by a witness to be exempt from giving any evidence on the ground specified in section 6(1)(b) of the Evidence (Proceedings in Other Jurisdictions) Act, 2000 is not supported or conceded as mentioned in subsection (2) of that section.

(2) The examiner may, if he thinks fit, require the witness to give the evidence to which the claim relates and, if the examiner does not do so, the court may do so, on the ex parte application of the person who obtained the order under section 5 of the Evidence (Proceedings in Other Jurisdictions) Act, 2000.

(3) If such evidence is taken -

- (a) it must be contained in a document separate from the remainder of the deposition of the witness;
- (b) the examiner shall send to the Registrar with the deposition a statement signed by the examiner setting out the claim and the ground on which it was made;
- (c) on receipt of the statement the Registrar shall, notwithstanding anything in rule 5, retain the document containing the part of the witness's evidence to which the claim relates and shall send the statement and a request to determine the claim to the foreign court or tribunal with the documents mentioned in rule 5;
- (d) and if the claim is rejected by the foreign court or tribunal, the Registrar shall send to that court or tribunal the document containing that part of the witness's evidence to which the claim relates, but if the claim is upheld the Registrar shall send the document to the witness, and shall in either case notify the witness and the person who obtained the order under section 5 of the Evidence (Proceedings in Other Jurisdictions) Act, 2000, of the court or tribunal's determination."

Made by the Rules Committee this 3rd day of January, 2001.

Signed
DAME JOAN SAWYER
Chairman
Rules Committee