Rules made by the Judges of the Supreme Court under section 198 of the Courts Act

1. These rules may be cited as the Letters of Request Rules 1985.

2. (1) Where, in relation to any civil, commercial or criminal matter which is pending before a Court or tribunal of another State, provision is made in an enactment or a Convention to which Mauritius is party, or it appears desirable—

> *(a)* to obtain the testimony of a witness in Mauritius; or

> *(b)* to serve any process on a person in Mauritius,

a Judge may, on an ex parte application by the Attorney-General or a person duly authorised to make the application on behalf of that foreign Court or tribunal, and on production of the Letter of Request and such other evidence as the Judge may require, including a further copy of any process to be served, make an order in compliance with the Letter of Request.

(2) An order under paragraph (1) shall be in the form A or B set out in the First Schedule.

(3) The examination of a witness and the service of process shall, subject to any enactment, be made in accordance with the procedure laid down in the Convention or with such directions as may be specified in the Letter of Request.

3. (1) Where the examination of a witness has been conducted by a person other than the Registrar or where service of process has been effected, the deposition or the return of service shall be forwarded to the Registrar.

(2) The Registrar shall—

> *(a)* cause the seal of the Supreme Court to be affixed to the deposit or return;

(b) sign a certificate in the form A or B set out in the Second Schedule;

(c) forward the certificate and the annexures referred to therein to the Attorney-General, for transmission to the foreign Court or tribunal

4. The following enactments are revoked—

(a) Additional Rules relating to Commissions Rogatoires and Letters of Request 1911 — Lane II/253;

(b) Letters of Request Rules 1922 — Lane II/257.

Made by the Judges of the Supreme Court on the 5 July, 1985 and approved by the Governor-General on 11 July, 1985.

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FIRST SCHEDULE
(Rule 2 (2))
FORM A
IN THE SUPREME COURT OF MAURITIUS

In the matter of proceedings pending before...*(a)*;

Upon reading the Letter of Request dated...19......

and...*(b)* and upon hearing..............*(c)*

I order that M.............................*(d)* of.......................................

(e) do attend before.............................*(f)* at.......................................

on the........................day of........................ 19...... at........................ o'clock or on such other day and at such other time as the Examiner may appoint to be examined on oath, affirmation or declaration in accordance with the Letter of Request and/or to bring with him and produce the articles or documents specified therein.*

And I order that the Examiner shall—

(i) ensure that the evidence of the witness is taken down in writing and read over to him and that the witness signs or marks the deposition; and

(ii) sign the deposition.

Given in Chambers this........................day of........................19......

(s) ....
Judge

———

(a) Description of Court or Tribunal
(b) Description of any other document filed
(c) Name of counsel or attorney
(d) and *(e)* Name and address of witness
(f) Name and title of Examiner

*Delete as appropriate.

FORM B
IN THE SUPREME COURT OF MAURITIUS

In the matter of proceedings pending before...(a);

Upon reading the Letter of Request dated...19......

and...................................(b) and upon hearing............................(c)

I order that M...................................(d) of.......................................

(e) do cause to be served on M..(f) of......................

(g) the process specified in the Letter of Request and do effect a return of the service.

Given in Chambers this....................day of..............................19......

(s)...

Judge

(a) Description of Court or Tribunal

(b) Description of any other document filed

(c) Name of counsel or attorney

(d) and (e) Name and description of usher

(f) and (g) Name and address of person to be served.

SECOND SCHEDULE
(Rule 3 (2) (b))

FORM A
IN THE SUPREME COURT OF MAURITIUS

I.., Registrar of the Supreme Court of Mauritius, certify that the attached documents are—

(i) the Order made by..................................(a) on the..................

day of.................................19......in relation to the Letter of Request

dated...................19...... issued by...................................(b)

directing the examination of..(c)

(ii) the deposition taken by the Examiner on the..............day of..............19...

Dated this...........................

(s) ....

Registrar

(a) Name of Judge

(b) Description of Court or Tribunal

(c) Name and address of witness

FORM B

IN THE SUPREME COURT OF MAURITIUS

I..., Registrar of the Supreme Court of Mauritius, certify that the attached documents are—

    (i) the Order made by..*(a)* on the..............

    day of.............................19...... in relation to the Letter of Request

    dated....................19...... issued by..*(b)*

directing the service of process on...*(c)*

    (ii) the return of service made by the usher on the..............of...............19......

Dated this............................   (s) ....

                                                   Registrar

    (a) Name of Judge
    (b) Description of Court or Tribunal
    (c) Name and address of person served.