

COUNTRY PROFILE

TAKING OF EVIDENCE BY VIDEO-LINK UNDER THE HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS

STATE NAME: [England & Wales](#)

PROFILE UPDATED ON (DATE): [7 April 2017](#)

PART I: STATE

1. Contact details	
<i>The contact details provided in this section <u>will be published</u> on the Hague Conference website</i>	
CHAPTER I (LETTERS OF REQUEST)	
<i>As with any other Letter of Request under Chapter I of the Evidence Convention, the requesting authority should contact the Central Authority(ies) of the requested State when seeking to obtain evidence by means of a Letter of Request, whether using video-link or not.</i>	
<p>a) Are the contact details of the Central Authority(ies) designated by YOUR STATE up-to-date on the Evidence Section of the Hague Conference website?</p>	<p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please provide the contact details on a separate Word or PDF document for uploading on the Evidence Section of the Hague Conference website.</p>
<p>b) Would YOUR STATE be in favour of specifying a person or department within the Central Authority(ies) who would assist in processing Letters of Request where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?</p>	<p><input checked="" type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details: foreignprocess.rcj@hmcts.gsi.gov.uk</p> <p><input type="checkbox"/> No. Please explain why:</p> <p><i>Comments:</i></p>
<p>c) What arrangements are there for ensuring that there is a contact person with whom the requesting authority can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?</p>	<p>HM Courts & Tribunal Service will provide that contact in each case and arrange booking. Contact foreignprocess.rcj@hmcts.gov.uk</p>

CHAPTER II (TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS)

Permission by a designated authority may be required to apply certain provisions under Chapter II. To know if such a permission is required for a particular State, see the practical information chart (accessible from the [Authorities](#) page) AND / OR the declarations (accessible from the [Status Table](#) page) of the relevant State available on the [Evidence Section](#) of the Hague Conference website.

If permission is not required, applicants should contact the diplomatic and consular mission (Arts 15/16) or the commissioner (Art. 17) to explore whether or not evidence may be obtained by video-link under this Chapter.

If permission is required, applicants should contact the authority that was designated to grant permission AND the relevant diplomatic and consular mission or commissioner, to explore, where necessary, whether or not evidence may be obtained by video-link under this Chapter.

d) Would YOUR STATE be in favour of specifying **an entity or authority, in addition to the relevant authority / diplomatic or consular agent / commissioner**, that would assist in processing applications where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?

Yes.
If YOUR STATE has already done so, please specify the contact details:

No.
Please explain why:

Comments:

Please note that the UK takes video evidence via diplomatic officers only in exceptional cases; usually customers are referred to commercial suppliers such as conference centres. For the tiny number of cases involving diplomatic officers, various systems may be used including government-owned video equipment and commercial platforms (ECHO, Skype, Webinar, Vidyo are examples), so would be unable to provide one entity to cover all cases, but would be happy to provide details of technical assistants for specific cases.

e) What arrangements are there for ensuring that there is a contact person with whom the Court of Origin can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?

Usually contact details are exchanged by e-mail between the officers from both sides once the request has been set up. The booking system varies between locations.

PART II: RELEVANT LEGISLATION AND COURT SYSTEM

Legal basis	
<p>a) Does YOUR STATE, in the application of Article 27 (<i>i.e.</i> internal law or practice), allow for a foreign Court to directly take evidence by video-link?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: Evidence (Proceedings in Other Jurisdictions) Act 1975; Civil Procedure Rule 32.3</p> <p><input type="checkbox"/> No. Please specify:</p> <p><i>Comments:</i></p>
<p>b) Please indicate the legal basis or applicable protocols (<i>i.e.</i>, relevant laws, regulations, practice, etc.) for the use of video-links in the taking of evidence in YOUR STATE, either under the Convention or independent of the Convention (see, <i>e.g.</i> Art. 27 (b) and (c)):</p> <p><i>Please also attach a copy of, or provide a link to, the relevant provisions, where possible in English or French.</i></p>	<p>Civil Procedure Practice Direction 32 paragraph 29.1 and Annex 3 to the Practice Direction</p>
<p>c) Does YOUR STATE have any agreements with other Contracting States that derogate from the Convention when taking evidence by video-link (see Art. 28 and Art. 32)?</p>	<p><input type="checkbox"/> Yes. Please attach a copy of, or provide a link to, the relevant provisions, where possible in English or French:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
Court system	
<p>d) Please indicate which courts permit, or have the facilities for, the taking of evidence by video-link. If possible, indicate where relevant information on videoconferencing facilities in courts can be found online:</p>	<p><input type="checkbox"/> All courts.</p> <p><input type="checkbox"/> All courts of a specific type / level. Please specify:</p> <p><input checked="" type="checkbox"/> Only specific courts. Please specify which courts, or provide a link to/attach a full list: see list attached</p> <p><input type="checkbox"/> None.</p> <p><i>Comments:</i> England and Wales have over 100 civil and family courts with video links, so all major towns and cities are able to support video links with Member States. HMCTS will nominate the court following the request from the Member State.</p>

PART III: TECHNICAL AND SECURITY ASPECTS (APPLICABLE TO BOTH CHAPTERS)

<p>a) Does YOUR STATE use licensed software (which ensures support for technical and security matters) for the taking of evidence by video-link?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> This is sometimes the case for Consular officers</p>
<p>b) What are the specifications of the video-link technology in use in YOUR STATE, including, if any, the minimum standards or mechanisms used to secure the communications and any recordings made?</p> <p><i>States are encouraged to provide as much information as possible when responding to this question. As such, it may be useful to consider liaising with the relevant IT experts.</i></p>	<p>Codec (<i>i.e.</i>, manufacturer, model, transmission speed, bandwidth):</p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.):</p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.):</p> <p>Type of encryption for signals in secure transmissions:</p> <p>Split screen capability:</p> <p>Document cameras:</p> <p>Multipoint connections:</p> <p>Additional specifications or capabilities:</p> <p>Protocols or other practices:</p> <p><i>Comments:</i> Most of the Court video links in England and Wales are on a secure network that requires a bridging link (court will advise in each case). Only incoming ISDN calls are currently allowed though IP connections should be allowed by end 2017. Some courts have direct ISDN to ISDN video links (again Courts will advise). Courts have Polycom HDX systems. For Chater II, In overseas posts, usually ECHO VTN or Skype.</p>
<p>c) Can evidence be taken via commercial providers (<i>e.g.</i>, Skype™)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: Chapter II only</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Chapter I: This will be possible when the secure court network can take IP connections (see b above) but this will be at the discretion of the Judge in each case. Under Chater II</p>

<p>d) Does YOUR STATE have a procedure for testing connections and the quality of transmissions before the hearing?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: Chapter I: arranged by court</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> Chapter II: Overseas posts would normally try to arrange a test call.</p>
<p>e) Does YOUR STATE have any requirements as to the hearing room, <i>e.g.</i>, should be located in a court, should have a camera view of the whole room or a view of all the parties, etc.?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: requires a view of the whole room</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

PART IV: USE OF VIDEO-LINKS UNDER BOTH CHAPTERS – LEGAL CONSIDERATIONS

Restrictions	
<p>a) Must a court order directing the use of video-links first be obtained from the requesting State (Chapter I) / State of Origin (Chapter II)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: Civil Procedure Rule 32.3 requires the permission of the court to be obtained; Evidence (Proceedings in other Jurisdictions) Act 1975 Section 2 permits the court to make an order for oral testimony provided such an order can be made by our court.</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Chapter I: The Hague Evidence Convention Model Form Section 15 can be used to obtain the court order giving permission Chapter II: No court order required</p>
<p>b) Are there any restrictions on what type/s of evidence can be taken by video-link or how it is to be taken?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>c) Are there any specific restrictions on how evidence gathered via video-link can be handled and distributed, or do the usual rules for evidence obtained in person apply?</p>	<p><input type="checkbox"/> Yes, there are specific restrictions. Please specify:</p> <p><input checked="" type="checkbox"/> No, the normal rules for evidence apply.</p> <p><i>Comments:</i></p>
<p>d) Are there any restrictions on the type of person who may be examined by video-link?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Chapter II: Overseas posts may refuse to host a video-link session if the person is assessed to be a physical or security threat.</p>
<p>e) Is it necessary to seek the consent of the parties to use video-link to take evidence?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify the conditions under which parties may refuse the use of video-link: Chapter I and Chapter II: The witness is free to refuse without conditions</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<p>f) Are there any restrictions on the location where the person should be examined (e.g. in a courtroom, on the premises of an Embassy or diplomatic mission)?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>g) Can a witness / expert be compelled to use video-links to give evidence?</p>	<p><input type="checkbox"/> Yes. If so, please specify what coercive measures may be used:</p> <p><input checked="" type="checkbox"/> No. Please explain: see IV (e) above</p> <p><i>Comments:</i></p>
<p>h) Please briefly outline the procedure/s, under Chapter I and Chapter II, for actually notifying or summoning the witness / expert to give evidence by video-link, including any references to relevant laws, regulations or practice.</p> <p><i>Please also include, where applicable, the differences between notifying or summoning a willing witness / expert and notifying or summoning a witness / expert that is to be compelled.</i></p>	<p>Chapter I: Chapter I - Civil Procedure Rule 32.3 requires the permission of the court to be obtained. An order of the court is obtained by submitting a letter of request by use of the Model Form Evidence (Proceedings in other Jurisdictions) Act 1975 Section 2 permits the court to make an order for oral testimony provided such an order can be made by our court. The order is served on the witness either by use of court bailiffs or by instruction of private process servers by the requesting party or their agents in England & Wales. The order expressly states that the witness must consent to give evidence by video link.</p> <p>Chapter II: Contact is usually made from the responsible representatives of the court directly to the parties concerned</p> <p><i>Comments:</i></p>
<p>i) The law of which State governs the use of privileges?</p> <p><i>Please tick all that apply.</i></p> <p><i>See Articles 11 and 21(e) of the Convention</i></p>	<p>Chapter I:</p> <p><input checked="" type="checkbox"/> The law of the Requesting State.</p> <p><input checked="" type="checkbox"/> The law of the Requested State.</p> <p><input type="checkbox"/> The law of another State. Please specify:</p> <p>Chapter II:</p> <p><input checked="" type="checkbox"/> The law of the State of Origin.</p> <p><input checked="" type="checkbox"/> The law of the State of Execution.</p> <p><input type="checkbox"/> The law of another State. Please specify:</p> <p><i>Comments:</i></p> <p>S.3(1) Evidence (Proceedings in Other Jurisdictions) Act 1975 permits a witness</p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>to claim privilege from giving any evidence which he could not be compelled to give on any ground recognised under the law of England or under the law of the requesting court.</p>
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PART V: USE OF VIDEO-LINKS UNDER CHAPTER I (LETTERS OF REQUEST) – LEGAL CONSIDERATIONS

Legal obstacles	
<p>a) Does YOUR STATE consider that there are legal obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (see C&R No 55 of the 2009 SC and C&R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments: Subject to the condition that the witness cannot be compelled to give evidence by videolink</p>
Direct and indirect taking of evidence	
<p>b) Under Chapter I of the Convention, does YOUR STATE allow for the direct taking of evidence by judicial personnel of the <i>requesting</i> State (<i>i.e.</i>, the State in which the proceedings are pending)?</p>	<p><input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No.</p> <p>Comments:</p>
<p>c) Under which provisions of Chapter I of the Convention is indirect taking of evidence by video-link possible in YOUR STATE?</p>	<p><input type="checkbox"/> Art. 9(1) – The judicial authority of the requested State obtains evidence (<i>e.g.</i>, a witness / expert examination) which is located in a (distant) location within its own State.</p> <p><input checked="" type="checkbox"/> Art. 9(2) - As a special method or procedure. Please also outline whether any specific conditions must be satisfied:</p> <p><i>See also questions on presence.</i></p> <p>Comments:</p>
Legal safeguards for witness / expert	
<p>d) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter I (<i>e.g.</i> protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	<p>Court can provide protective measures for witness if required, including permission for interpreters and for the witness to have their own legal representative present</p>
Presence	
<p>e) Are the rules for the presence of the parties and their representatives when physically in a single location the same for when evidence is taken via video-link?</p> <p><i>See Article 7 of the Convention</i></p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate: Yes</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>

PART V - LEGAL CONSIDERATIONS (CHAPTER I)

<p>f) Under Chapter I of the Convention, does YOUR STATE allow for the cross-examination of a witness / expert by video-link by the representatives located in the <i>requesting</i> State (<i>i.e.</i>, the State in which the proceedings are pending)?</p>	<p><input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No.</p> <p><i>Comments:</i> On condition that the witness agrees to give evidence by videolink; see IV (e) above</p>
<p>g) Does YOUR STATE allow for the presence of the judicial personnel of the requesting State via video-link? <i>See Article 8 of the Convention</i> <i>Please note that a declaration may be made under this provision.</i></p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate: Yes</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

PART VI : USE OF VIDEO-LINKS UNDER CHAPTER II (BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS) – LEGAL CONSIDERATIONS

<p>The questions in this Part are only for States that have not wholly excluded the application of Chapter II</p> <p>Please note that Chapter II may be subject to a reservation in whole or in part under Article 33. Check the reservations that YOUR STATE has made under this Chapter in the status table, available on the Evidence Section of the Hague Conference website.</p>	
<p>Legal obstacles and legal framework</p>	
<p>a) Does YOUR STATE consider there to be any legal obstacles to the taking of evidence by video-link under Chapter II of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (C&R No 55 of the 2009 SC and C&R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>
<p>b) Under which provisions of Chapter II of the Convention is taking of evidence by video-link possible in YOUR STATE?</p>	<p><input checked="" type="checkbox"/> Art. 15 <input checked="" type="checkbox"/> Art. 16 <input checked="" type="checkbox"/> Art. 17</p> <p>Comments:</p>
<p>c) Is prior permission from YOUR STATE required when taking evidence under Chapter II of the Convention on the territory of YOUR STATE?</p>	<p><input type="checkbox"/> Yes. Please outline the procedure for seeking such permission, including any specific conditions that must be satisfied:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>
<p>d) Please indicate who administers the oath or affirmation and how perjury and contempt are dealt with when evidence is taken under Chapter II of the Convention on the territory of YOUR STATE.</p>	<p>Administration of the oath or affirmation: The Diplomatic Officer, Consular Agent or Commissioner</p> <p>Dealing with perjury and contempt: The requesting court, within the limits of their own jurisdiction</p>
<p>Direct and indirect taking of evidence</p>	
<p>e) Diplomatic and consular agents are usually located in the State where the witness / expert resides. It may be, however, that a witness / expert is located in a neighbouring country or in a place distant from the Embassy or Consulate. In these circumstances, does YOUR STATE consider it possible to use video-link to obtain evidence under Chapter II of the Convention?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

	Usually video evidence is taken via commercial suppliers which may be distant from the Embassy.
Legal safeguards for witness / expert	
f) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter II (e.g. protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?	Depends on circumstances. Witness would be covered by the normal Embassy security but Embassy/ Consulate would not take any responsibility outside diplomatic premises.
Presence	
g) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by diplomatic and consular agents ? <i>Please tick all that apply.</i>	<input checked="" type="checkbox"/> The parties. <input checked="" type="checkbox"/> The parties' representatives. <input checked="" type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify: <i>Comments:</i>
h) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by commissioners ? <i>Please tick all that apply.</i>	<input checked="" type="checkbox"/> The parties. <input checked="" type="checkbox"/> The parties' representatives. <input checked="" type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify: <i>Comments:</i>
Applicable law	
i) The law of which State governs the administration of an oath or affirmation when evidence is taken by video-link under Chapter II?	<input type="checkbox"/> The law of the State of Origin <input checked="" type="checkbox"/> The law of the State of Execution <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify: <i>Comments:</i>
j) The law of which State governs perjury and contempt when evidence is taken by video-link under Chapter II?	<input checked="" type="checkbox"/> The law of the State of Origin <input type="checkbox"/> The law of the State of Execution <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify: <i>Comments:</i> The requesting court, within the limits of their own jurisdiction

PART VII PRACTICAL CONSIDERATIONS

COMMON TO BOTH CHAPTERS	
Notice	
a) What does YOUR STATE consider to be the minimum amount of time required between the request and the actual hearing in order to make the arrangements to take evidence by video-link?	Chapter I: 28 days Chapter II: This varies - usually about two months. It is normally significantly quicker in countries which have already given blanket permission to take video evidence rather than where a new specific request is made
Interpretation services	
b) Who is responsible, under Chapter I and Chapter II, for the use of interpretation services and who arranges these services in YOUR STATE when video-link is used?	Chapter I: The applicant/parties Chapter II: The applicant/parties
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<input checked="" type="checkbox"/> Yes. Please specify: Chapter I: HMCTS language services provides two accredited suppliers for litigants in person: The Big Word provides services for: 1) Face to face, telephone, and video interpretation; and, 2) service for written translation and transcription. https://en-gb.thebigword.com/solutions/interpreting Clarion UK provide services for non spoken language i.e. British sign language, lip speak etc. http://www.clarion-uk.com/moj-home/ Other accredited interpreters can be identified from the following websites http://www.nrpsi.org.uk/ ; http://www.iti.org.uk/ <input type="checkbox"/> No. <i>Comments:</i> Chapter II: The applicant/parties would have to source this information
d) Under the law of YOUR STATE, is interpretation to be <i>simultaneous</i> or <i>consecutive</i> when a witness / expert is examined via video-link?	Can be either
e) Where may the interpreter be located when a witness / expert is examined via video-link? <i>Please check all that apply.</i>	<input checked="" type="checkbox"/> In the room with the witness / expert. <input checked="" type="checkbox"/> In the room with those conducting the examination. <input type="checkbox"/> Elsewhere in the requesting State (Chapter I) / State of Origin (Chapter II). <input type="checkbox"/> Elsewhere in the requested State (Chapter I) / State of Execution (Chapter II). <input type="checkbox"/> In a third State.

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

	<input type="checkbox"/> Other. Please specify: <i>Comments:</i>
Reporting and recording	
<p>f) Is a written report of the video-link hearing or testimony prepared?</p>	<input checked="" type="checkbox"/> Yes. Please specify by whom: <i>If the examination is conducted in a court, recording facilities are provided but the applicant/parties are responsible for the costs of transcription. Alternatively the requesting party may instruct their own shorthand writers to attend in court and transcribe the evidence. If held in other premises, including Embassy or Consular Offices, the applicant/parties must arrange audio recording and transcription</i> Please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the report: <i>Chapter I: CPR 34.19 requires the examiner to send the deposition to the Central Authority unless the court orders otherwise. The Central Authority then provides a certificate identifying the letter of request, the order of the court for examination and the deposition of the witness. These will be sent to the requesting court.</i> <i>Chapter II: Consular officers do not e</i> <input checked="" type="checkbox"/> No. <i>Comments:</i> <i>Chapter II: Consular officers are not directly involved in taking the evidence by video-link; they provide only the technological means for the witness to take part in the court proceedings. Any transcripts would need to be arranged by the applicant/parties.</i>
<p>g) Are facilities and equipment made available in order to record the hearing or testimony?</p>	<input type="checkbox"/> Yes, with audio and video. <input type="checkbox"/> Yes, only with video. <input checked="" type="checkbox"/> Yes, only with audio. <input checked="" type="checkbox"/> No, but the recording of hearings/testimonies is permitted. <p>If a recording is produced, please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the recording: <i>None</i></p>

PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

	<p><input type="checkbox"/> No, because the recording of hearings/testimonies is not permitted under internal law.</p> <p><i>Comments:</i> If the examination takes place in court, the recording is stored digitally and a CD of the recording may be requested on payment of a fee. Any party may request a transcript, on payment of the transcription fees. If the examination takes place outside a court, including in an Embassy or Consular Offices, it is for the applicant/parties to arrange any handling/storage/distribution of the recording.</p>
Documents and exhibits	
h) What arrangements are to be made for showing or referring to documents or exhibits when taking evidence by video-link?	If the examination takes place in court, the technology does not presently support document sharing. In all examinations under Chapter I and II this would have to be organised by the requesting party

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

PRACTICAL CONSIDERATIONS UNDER CHAPTER I	
Practical obstacles	
<p>i) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
Identification of all relevant actors	
<p>j) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter I?</p>	<p>The parties give all evidence under oath or affirmation, including their identity.</p>
Standard Forms	
<p>k) Do the authorities of YOUR STATE use a standardised request form under Chapter I that makes specific reference to the use of video-links?</p> <p><i>The use of the Model Form of the Evidence Convention is recommended when taking evidence under Chapter I.</i></p> <p><i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> The standardised form used makes no reference to video-link.</p> <p><input checked="" type="checkbox"/> No standardised form is used.</p> <p><i>Comments:</i></p>
<p>l) Does YOUR STATE require the inclusion of any particular practical or technical information from the requesting State in the request in order to conduct / arrange a witness / expert examination by video-link under Chapter I? (e.g. contact details for IT support, technical specifications, etc)</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p> <p>The requesting court must submit the Model Form</p>
Costs	
<p>m) Are there any costs associated with the taking of evidence via video-link under Chapter I in YOUR STATE?</p>	<p><input checked="" type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p> <p>We cannot provide an estimate as the cost would depend on the circumstances of each case</p>
<p>n) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter I in YOUR STATE?</p> <p><i>See Art. 14(2) of the Evidence Convention</i></p>	<p><input checked="" type="checkbox"/> The moving party (requesting the use of video-link).</p> <p><input checked="" type="checkbox"/> The requesting authority (in the requesting State).</p> <p><input type="checkbox"/> The requested authority (in the requested State).</p> <p><input type="checkbox"/> Other. Please specify:</p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

	<p><i>Comments:</i> If costs are incurred (for example an interpreter or transcriber) these would be paid directly by the requestor or moving party</p>
<p>o) How are these costs generally expected to be paid and/or reimbursed?</p>	<p> <input type="checkbox"/> Payment in cash <input type="checkbox"/> Payment by (credit) card <input type="checkbox"/> Electronic/wire transfer <input checked="" type="checkbox"/> Other. Please specify: <i>Comments:</i> See above. The requested authority would not be involved as the costs would be paid direct </p>
<p>p) Who pays for the interpretation services under Chapter I in YOUR STATE when video-link is used and how are these costs to be paid and/or reimbursed?</p>	<p>The requesting party/authority would make payment direct</p>

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

PRACTICAL CONSIDERATIONS UNDER CHAPTER II	
Only for States that have not excluded in whole the application of Chapter II	
Practical obstacles	
q) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter II of the Convention?	<input type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No. <i>Comments:</i>
Identification of all relevant actors	
r) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter II?	Checking passport/ID cards. If appropriate, taking into account requests and feedback from those in the court when they see the witness/expert.
Standard Forms	
s) Do the authorities of YOUR STATE use a standardised request form under Chapter II that makes specific reference to the use of video-links? <i>Although the use of the Model Form of the Evidence Convention is recommended when taking evidence under Chapter I, it may also be used, with the necessary amendments when applying for permission to take evidence under Chapter II.</i> <i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i>	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> The standardised form used makes no reference to video-link. <input checked="" type="checkbox"/> No standardised form is used. <i>Comments:</i> FCO would action a court request made in any appropriate format.
Assistance and facilities	
t) Are the Embassies and Consulates of YOUR STATE (acting as the State of Execution) able to assist applicants in arranging a video-link?	<input checked="" type="checkbox"/> Yes. Please specify how, e.g., via a booking system: <input type="checkbox"/> No. Please specify who else would assist, if anyone: <i>Comments:</i> Only as a last resort - the usual procedure is to refer the applicant/parties to local/commercial suppliers
u) Is it possible to hold a video-link session requested under the Convention at the premises of the Embassies or Consulates of YOUR STATE abroad?	<input checked="" type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No. <i>Comments:</i> Only in exceptional circumstances e.g. formal request made by the UK court or UK government
v) Does YOUR STATE require the inclusion of any particular practical or technical information from the State of Origin in the request in order to conduct / arrange a witness or expert examination by video-link under	<input type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No.

PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

Chapter II? (e.g. the use of interpreters, stenographers, or recording devices)	<p><i>Comments:</i> This is for the applicant/parties to arrange</p>
Costs	
<p>w) Are there any costs associated with the taking of evidence via video-link under Chapter II in YOUR STATE?</p>	<p><input checked="" type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> This depends on staff time involved - hourly rates vary.</p>
<p>x) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter II in YOUR STATE?</p>	<p><input checked="" type="checkbox"/> The moving party (requesting the use of video-link). <input type="checkbox"/> The State of Origin <input checked="" type="checkbox"/> The Diplomatic mission or Consulate in the State of Execution. <input type="checkbox"/> The commissioner <input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i> The Diplomatic mission or Consulate would bear such costs only in very exceptional circumstances</p>
<p>y) How are these costs generally expected to be paid and/or reimbursed?</p>	<p><input checked="" type="checkbox"/> Payment in cash <input type="checkbox"/> Payment by (credit) card <input checked="" type="checkbox"/> Electronic/wire transfer <input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i></p>
<p>z) Who pays for the interpretation services under Chapter II in YOUR STATE when video-link is used and how are these costs to be paid and/or reimbursed?</p>	<p>The applicant/parties would pay direct</p>