
Respondent's Motion for Leave for New Evidence,
April 2009

Abdelrazik v Minister of Foreign Affairs et al

August 2017

Relevant Sections of the Federal Court Rules

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Current to April 1, 2009

SOR/98-106 r81

Federal Courts Act

Federal Courts Rules

Registration 5 February, 1998

SOR/98-106

P.C. 1998-125 5 February, 1998

PART 3 RULES APPLICABLE TO ALL PROCEEDINGS

AFFIDAVIT EVIDENCE AND EXAMINATIONS

Affidavits

RULE 81

Content of affidavits

81. (1) Affidavits shall be confined to facts within the personal knowledge of the deponent, except on motions in which statements as to the deponent's belief, with the grounds therefor, may be included.

Affidavits on belief

(2) Where an affidavit is made on belief, an adverse inference may be drawn from the failure of a party to provide evidence of persons having personal knowledge of material facts.

Current to April 1, 2009

SOR/98-106 r91

Federal Courts Act

Federal Courts Rules

Registration 5 February, 1998

SOR/98-106

P.C. 1998-125 5 February, 1998

PART 3 RULES APPLICABLE TO ALL PROCEEDINGS

AFFIDAVIT EVIDENCE AND EXAMINATIONS

Examinations out of Court

Oral Examinations

RULE 91

Direction to attend

91. (1) A party who intends to conduct an oral examination shall serve a direction to attend, in Form 91, on the person to be examined and a copy thereof on every other party.

Production for inspection at examination

(2) A direction to attend may direct the person to be examined to produce for inspection at the examination

(a) in respect of an examination for discovery, all documents and other material in the possession, power or control of the party on behalf of whom the person is being examined that are relevant to the matters in issue in the action;

(b) in respect of the taking of evidence for use at trial, all documents and other material in that person's possession, power or control that are relevant to the matters in issue in the action;

(c) in respect of a cross-examination on an affidavit, all documents and other material in that person's possession, power or control that are relevant to the application or motion; and

(d) in respect of an examination in aid of execution, all documents and other material in that person's possession, power or control that are relevant to the person's ability to satisfy the judgment.

Service of direction to attend

(3) A direction to attend an oral examination shall be served

(a) where the person to be examined is an adverse party, at least six days before the day of the proposed examination;

(b) where the person to be examined is not a party to the proceeding, at least 10 days before the day of the proposed examination; or

(c) where the person is to be cross-examined on an affidavit filed in support of a motion, at least 24 hours before the hearing of the motion.

Current to April 1, 2009

SOR/98-106 r312

Federal Courts Act

Federal Courts Rules

Registration 5 February, 1998

SOR/98-106

P.C. 1998-125 5 February, 1998

PART 5 APPLICATIONS

GENERAL

RULE 312

Additional steps

312. With leave of the Court, a party may

- (a) file affidavits additional to those provided for in rules 306 and 307;
- (b) conduct cross-examinations on affidavits additional to those provided for in rule 308; or
- (c) file a supplementary record.