

CERTIFICATION

The *Canada Evidence Act* permits the introduction of documents into evidence before a Canadian Court, of certified records created in the normal course of business of a bank or another entity located in a foreign jurisdiction under certain conditions. Although original records are preferable, copies may be produced if the originals cannot or cannot practicably be produced.

1. In the case of original documents, the attached forms bearing the title "Affidavit with respect to Original Records" must be completed.

2. Where it is not possible or reasonably practicable to produce original business records, the *Canada Evidence Act* permits the production of **copies** of business records in evidence accompanied by two documents. A copy of the two different blank forms entitled "Affidavit with respect to Copies" are provided for this purpose.

3. When evidence certified by oath, affirmation or solemn declaration before a judicial authority in the Requested State, it is requested that the judicial authority set out his/her title, jurisdiction and official capacity to carry out such functions i.e. Judge X, a magistrate of the Court in the jurisdiction of Y, Country Z, duly authorized to ...

4. When the evidence is certified in a manner other than under oath, affirmation or solemn statement before a judicial authority of the foreign state, both the person producing the documents and attesting to the authenticity of the records and the person who copied records must state in the certificate that it is made in conformity with the laws of the foreign state which have been explained to him/her and the name and qualifications of the person providing the explanation.

It is, therefore, further requested that the certification of banking records include the above-noted information in order to meet the admissibility requirements of the *Canada Evidence Act*.