

Year	Date	Title	Note
1993	3 Sep 1993	Subpoenoas	

**SUPREME COURT OF THE AUSTRALIAN CAPITAL
TERRITORY
Notice to Practitioners**

SUBPOENAS

SUBPOENAS FOR PRODUCTION

1. All subpoenas for production in both civil and criminal matters shall not require a person to produce documents earlier than 14 days after the service of the subpoena unless an order is sought, in the form of an engrossment on the subpoena, and an affidavit is filed in support explaining why the documents being sought are necessary and why the applicant has failed to have the subpoena issued and served in sufficient time.

ENGROSSMENT

“Leave is granted to serve this Subpoena on or before the day of 19 notwithstanding that it requires the production of documents earlier than 14 days after it is served.

Registrar
Dated: ”

2. Any subpoena for production can be made returnable on a Monday or a Friday at 9.30 am. Where the “usual order” is made on the return of the subpoena the party whose documents are being inspected has access in the first instance for two working days and then access is available to the other party.
3. Subpoenas for production under the *Service and Execution of Process Act 1992* addressed to a person interstate must have attached to them Form 5 of Schedule 1 to the Regulations of that Act.

SUBPOENAS TO GIVE EVIDENCE

1. There is no time within which a Subpoena to give Evidence in both civil and criminal matters is to be served except:-
 - (i) A Subpoena to give Evidence under the *Service and Execution of Process Act* for service interstate must allow 14 days or have the appropriate engrossment thereon supported by affidavit.

- (ii) A Subpoena to give Evidence under the *Service and Execution of Process Act* must be accompanied by the relevant form in the Schedule to that Act.
- (iii) A Subpoena to give Evidence addressed to a medical expert is to be served not later than six weeks before the hearing date. If less than six weeks is allowed, the subpoena is to be accompanied by an affidavit explaining why the evidence of the expert is necessary and why the subpoena has not been issued within sufficient time. The deponent must also state whether the expert has been notified and has signified his/her availability and the earliest date on which the Subpoena can be served. The following engrossment shall appear on the subpoena:-

“Leave is granted to serve this Subpoena on or before the day of 19 notwithstanding failure to comply with Order 39 sub-rule 32A(3) of the Rules of this Court.

Master:

Dated: .”

PLEASE NOTE THAT PRACTICE DIRECTION NO 2 OF 1985 HAS BEEN SUPERCEDED BY AMENDMENTS TO THE SERVICE AND EXECUTION OF PROCESS ACT.

Sgd J E CIRCOSTA
Deputy Registrar

3 September 1993