

SUBPOENA TO ATTEND TO GIVE EVIDENCE

COURT DETAILS

Court Write 'Local Court'
#Division Write 'Small Claims Division'
#List Delete or leave blank
Registry Write location of court where statement of claim filed
Case number Write case number given when statement of claim filed

TITLE OF PROCEEDINGS This section should be completed with the same details as in the 'TITLE OF PROCEEDINGS' section of the statement of claim form.

[First] plaintiff **[name]**

#Second plaintiff #Number of
plaintiffs (if more than two)

[First] defendant **[name]**

#Second defendant #Number of
defendants (if more than two)

ISSUING DETAILS

Issued at request of **[name]** [role of party eg plaintiff] Write your name and
'Plaintiff' or 'Defendant', whichever is your role in the case
#Legal representative [solicitor on record] [firm] Delete or leave blank
#Legal representative reference [reference number] Delete or leave blank
Contact name and telephone [name] [telephone] Write your name and telephone number
Contact email [email address] Write your email address
Address for service Write your address for service

ORDER TO THE WITNESS

Name Write name of person you want to attend to give evidence
Address Write address of person you want to attend to give evidence

You are ordered to attend court to give evidence.

NOTICE TO THE WITNESS

- 1 Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.
- 2 The last day for service of this subpoena is [date] (see note 1). The court will fill in this date

[Note: date must be 5 days before the earliest date on which the addressee is required to comply with the subpoena or an earlier or later date fixed by the court (UCPR 33.3), unless the subpoena is to be served on a medical expert (see UCPR 31.32) or outside NSW, but in Australia.]

3 Please read notes 1 to 7 at the end of this subpoena.

DATE TIME AND PLACE AT WHICH YOU MUST ATTEND TO GIVE EVIDENCE

You must attend as follows:

Date [The court will fill in this section – date of hearing](#)

Time [The court will fill in this section](#)

Place [Local Court at \[write location of court\]](#)

You must continue to attend from day to day

- unless excused by the court or the person authorised to take evidence in the proceedings, or
- until the hearing of the proceedings are completed.

NOTES

Last day for service

- 1 You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for serving the subpoena.

Informal service

- 2 Even if this subpoena has not been served personally on you in accordance with the rules, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

Addressee a corporation

- 3 If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

Conduct money

- 4 You need not comply with the subpoena in so far as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date on which your attendance is required.

Applications in relation to subpoena

- 5 You have the right to apply to the Court:
 - (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena, and
 - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

Loss or expense of compliance

- 6 If you are not a party to the proceeding, you may apply to the court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

Failure to comply with subpoena—arrest

- 7 Failure to comply with a subpoena without lawful excuse:
 - (a) is a contempt of court and may be dealt with accordingly.
 - (b) may lead to your arrest under section 97 Civil Procedure Act or under rules of the court to enforce compliance with a subpoena.