



Notice to the Profession - Issuing of Subpoenas

The Chief Justice has authorised the issue of the following notice.

This notice is issued to clarify the recently introduced amendments¹ in relation to the issuing of subpoenas. The attention of practitioners is drawn to the requirement of Rule 42.10(3) of Chapter I and Rule 1.12(4) of Chapter VI of the Rules that a declaration in Form 42B or 6-1B *must* be attached to the front of every subpoena to produce.

Subpoenas, whether they be in Form 42A, 42AA or 6-1A will, from this date, be rejected by the Prothonotary's office if the relevant declaration is not attached to the subpoena in accordance with the above rules. To assist practitioners, hard copies of the declaration forms are available at the Prothonotary's Office.

Rule 42.06(6) permits the addressee of a subpoena to produce a copy of any document required to be produced, unless the subpoena specifically requires the production of the original. The copy may be a photocopy or in PDF format on a CD-Rom (Rule 42.06(7)). This also applies in Chapter VI: see Form 6-12B.

From an administrative point of view, it would assist the Court if copies of documents produced on subpoena were provided in PDF format on a CD-Rom.

Dated: 25 June 2010

**Vivienne Macgillivray
Executive Associate to the Chief Justice**

¹ Supreme Court (Subpoena, Search Order and Freezing Order Amendment) Rules 2010
S.R. No. 23/2010

