

SUMMONS TO ATTEND TO GIVE EVIDENCE

COURT OR COMMISSION DETAILS

Court or Commission

#Division

#List

Registry

Case number

TITLE OF PROCEEDINGS

[First] applicant **[name]**

#Second applicant #Number of
applicants (if more than two)

[First] respondent **[name]**

#Second respondent #Number
of respondents (if more than
two)

ISSUING DETAILS

Issued at request of **[name]** [role of party eg applicant]

#Legal representative [solicitor on record] [firm]

#Legal representative reference [reference number]

Contact name and telephone [name] [telephone]

Contact email [email address]

Address for service

ORDER TO THE WITNESS

Name

Address

You are ordered to attend the court or commission to give evidence.

NOTICE TO THE WITNESS

1 Failure to comply with this summons without lawful excuse is a contempt of court and may result in your arrest.

2 The last day for service of this summons is [date] (see note 1).

[Note: date must be 5 days before the earliest date on which the addressee is required to comply with the summons or an earlier or later date fixed by the court or commission (UCPR 33.3), unless the summons 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 summons.

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

You must attend as follows:

Date

Time

Place

You must continue to attend from day to day

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

[on separate page]

NOTES

Last day for service

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

Informal service

- 2 Even if this summons 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 summons, actual knowledge of the summons and of its requirements.

Addressee a corporation

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

Conduct money

- 4 You need not comply with the summons 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 summons is handed or tendered to you a reasonable time before the date on which your attendance is required.

Applications in relation to summons

- 5 You have the right to apply to the Court or Commission:
 - (a) for an order setting aside the summons (or a part of it) or for relief in respect of the summons, 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 summons.

Loss or expense of compliance

- 6 If you are not a party to the proceeding, you may apply to the court or commission 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 summons.

Failure to comply with summons—arrest

- 7 Failure to comply with a summons 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 or commission to enforce compliance with a summons.