

NORTHERN TERRITORY OF AUSTRALIA
SUPREME COURT AMENDMENT (SUBPOENAS) RULES 2009

Subordinate Legislation No. 11 of 2009

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 11 of 2009*

Supreme Court Amendment (Subpoenas) Rules 2009

We, the undersigned Judges of the Supreme Court of the Northern Territory of Australia, under section 86 of the *Supreme Court Act*, make the following Rules of Court.

Dated 27 April 2009

B. MARTIN CJ

D. MILDREN J

S. G. THOMAS J

T. J. RILEY J

S. R. SOUTHWOOD J

Judges of the Supreme Court
of the Northern Territory of Australia

* Notified in the *Northern Territory Government Gazette* on 27 May 2009.

1 Citation

These Rules may be cited as the *Supreme Court Amendment (Subpoenas) Rules 2009*.

2 Rules amended

These Rules amend the *Supreme Court Rules*.

3 New rule 42.03A

After rule 42.03

insert

42.03A Alteration of date or time for attendance or production

- (1) The issuing party for a subpoena may give notice to the addressee of a date or time later than the date or time specified in the subpoena as the date or time for attendance, production or both.
- (2) If notice of a later date or time is given to the addressee, the subpoena has effect as if the later date or time were specified in the subpoena.

4 Amendment of rule 42.06 (Compliance with subpoena)

Rule 42.06(4)

omit, substitute

- (4) The addressee of a subpoena to produce must comply with the subpoena:
 - (a) by attending at the date, time and place specified for production or, if the addressee has received notice of a later date or time from the issuing party, at the later date or time, and producing the subpoena or a copy of it and the document or thing to the Court or to the person authorised to take evidence in the proceeding as permitted by the Court; or
 - (b) by delivering or sending the subpoena or a copy of it and the document or thing to the Registrar at the address specified for the purpose in the subpoena, so they are received not less than 2 clear days before the date specified in the subpoena for attendance and production or, if the addressee has received notice of a later date from the issuing party, before the later date.

5 Amendment of Schedule 1

- (1) Schedule 1, Form 42A

omit

Please read Notes 1 to 15 at the end of this subpoena.

substitute

Please read notes 1 to 13 at the end of this subpoena.

- (2) Schedule 1, Form 42A, section A

omit

Date, time and place at which you must attend to give evidence:

substitute

Date, time and place at which you must attend to give evidence unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

- (3) Schedule 1, Form 42A, section B

omit

(See Notes 5 – 11)

substitute

(See notes 5 – 9)

- (4) Schedule 1, Form 42A, section B

omit

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things:

substitute

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

- (5) Schedule 1, Form 42A, section C

omit

In so far as you are required by this subpoena to attend to give evidence,

you must attend as follows:

substitute

In so far as you are required by this subpoena to attend to give evidence, you must attend as follows unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

- (6) Schedule 1, Form 42A, section C

omit

(See Notes 5 – 11)

substitute

(See notes 5 – 9)

- (7) Schedule 1, Form 42A, section C

omit

Date, time and place at which you must attend to produce the subpoena or a copy of it and the documents or things:

substitute

Date, time and place at which you must attend to produce the subpoena or a copy of it and the documents or things unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

- (8) Schedule 1, Form 42A

omit

Return or destruction of documents or copies

- (9) Schedule 1, Form 42A, notes 10 and 11

omit

- (10) Schedule 1, Form 42A, notes 12 to 15

renumber as notes 10 to 13