

38. Witness summons, application for (CPA s. 159)

- (1) To make an application under the CPA section 159 a party must lodge a Form 8 to which is attached one or both of the following —
 - (a) a draft witness summons, in the form of Form 9, that requires the witness to attend the court to give oral evidence in the case;
 - (b) a draft witness summons, in the form of Form 10, that requires the witness to attend the court and produce to the court a record or thing that is relevant to the case.
- (2) The attendance date in a witness summons to produce a record or thing must be the date of a pre-trial hearing in the prosecution concerned or if that is not practicable another proceeding at which a judge is presiding.
- (3) An application under the CPA section 159 for a witness summons that requires a witness to attend the Supreme Court at a circuit town may be lodged at any registry of the District Court other than the Central Law Courts at Perth.
- (4) A registrar of the District Court at a place other than the Central Law Courts at Perth may issue a witness summons for and on behalf of the Supreme Court under the seal of the District Court and in that case the summons has the same force and effect as if issued by the Supreme Court.
- (5) A witness summons must be issued under the seal of the court concerned unless it issued under subrule (4).
- (6) A witness summons must contain or be accompanied by the information to the witness in Schedule 2.