

**39. Early compliance with summons to produce in court of summary jurisdiction**

- (1) This regulation applies in the case of a witness summons to produce a record or thing if —
  - (a) the summons requires the witness to produce the record or thing to the court on a date before the trial date; or
  - (b) under the CPA section 163 the witness wishes to produce the record or thing to the court on a date before the trial date.
- (2) The witness may produce the record or thing in person or may send it to the court by post or a courier.
- (3) If the witness produces more than one record or thing to the court, the witness must give the court a list of whatever is produced.
- (4) If the witness claims that any record or thing to which the summons relates is privileged, the witness —
  - (a) must apply for an order that the record or thing is privileged; and
  - (b) must produce the record or thing to the court at the hearing of the application.
- (5) An application made under subrule (4)(a) must be made as soon as practicable after the witness is served with the witness summons and in any event on or before the attendance date in the witness summons.
- (6) On receiving the record or thing produced, a registrar must —
  - (a) issue a receipt to the witness for the record or thing; and
  - (b) keep the record or thing in safe custody until any application for an order under the CPA section 163(3) is decided and, subject to any order made on such an application, until the trial date.