

1990 - No. 146

DISTRICT COURT ACT 1973 – FORMS

NEW SOUTH WALES



[Published in Gazette No. 35 of 9 March 1990]

In pursuance of Part 47 rule 2 (2) of the District Court Rules 1973 I have amended the Forms approved for use in the Court by inserting after Form 59 the following Forms:

Form 59A

Subpoena for production by medical expert

(Pt 29 r. 7A (3).)

To *[name]*
 [address]

You are hereby required to attend and produce this subpoena and the medical records, or CLEAR SHARP PHOTOCOPIES of the medical records, described in the Schedule:

- (a) before the Court;
- (b) at *[address of Court where proceedings are to be heard]*
- (c) On 19 at 10 a.m. and until you are excused from further attending; but:
 - (i) you need not attend or produce any document unless \$25 has been paid or tendered to you;
 - (ii) instead of so attending, you may produce this subpoena and the records or photocopies to the registrar at the above place by hand or by post, in either case so that he receives them not later than the day before the first day on which you are required to attend; and

- (iii) you not comply with this subpoena if it is served on you after [*specify a date not later than 5 days before the return date of the subpoena, or, where the Court has fixed another date, that other date.*]

SCHEDULE

[description]

Dated:

Registrar.

Note: If you do not comply with this subpoena you may be arrested.

Issued at the request of [*name, address and telephone number*], the plaintiffs solicitor [*or as the case may be*].

Form 59B

Subpoena for production to the arbitrator appointed to hear an action

(S. 64 (1).)

To [name]
[address]

You are hereby required to attend and produce this subpoena and such of the documents and things described in the schedule as are in your possession and control:

- (a) to [name] the arbitrator appointed to hear this action;
- (b) at [*full address of place at which action to be heard*];
- (c) on 19 at [*time of hearing*] and until you are excused from further attending; but:
 - (i) you need not attend or produce any document on any day unless reasonable expenses have been paid or tendered to you;
 - (ii) if you are not a party to these proceedings, instead of so attending you may produce this subpoena and such of the documents and things described in the schedule as are in your possession and control to the arbitrator at his office/chambers at not

later than the day before the first day on which you are required to attend;

- (iii) you need not comply with this subpoena if it is served on you after [*specify a date not later than 5 days before the return date of the subpoena, or, where the Court has fixed another date, that other date*]; and
- (iv) if, as an officer of a bank, you are required by this subpoena to produce a banker's book, and Part IV of the Evidence Act 1898 applies, you need not produce it if you produce proof of the relevant entries in it in accordance with that Part.

SCHEDULE

[*description*]

Dated:

Registrar.

Note: If you do not comply with this subpoena you may be arrested.

Issued at the request of [*name, address and telephone number*], the plaintiffs solicitor [*or as the case may be*].

IMPORTANT NOTES

- (1) THIS SUBPOENA REQUIRES DOCUMENTS TO BE PRODUCED TO THE ARBITRATOR - NOT TO THE COURT.
- (2) IF DOCUMENTS ARE PRODUCED OTHER THAN AT THE TIME AND PLACE APPOINTED FOR THE HEARING THEY MUST BE PRODUCED TO THE ARBITRATOR AT HIS CHAMBERS OR OFFICE.

Form 59C

**Subpoena for production by medical expert to the
arbitrator appointed to hear an action**

(Pt 29 r. 7A(3).)

To [name]
[address]

You are hereby required to attend and produce this subpoena and the medical records, or CLEAR SHARP PHOTOCOPIES of the medical records, described in the schedule:

- (a) to [name] the arbitrator appointed to hear this action;
- (b) at [full address of place at which action to be heard];
- (c) on 19 at [time of hearing] and until you are excused from further attending; but:
 - (i) you need not attend or produce any document unless \$25 has been paid or tendered to you;
 - (ii) instead of so attending, you may produce this subpoena and the records or photocopies to the arbitrator at his office/chambers at
by hand or by post, in either case so that he receives them not later than the day before the first day on which you are required to attend; and
 - (iii) you need not comply with this subpoena if it is served on you after [specify a date not later than 5 days before the return date of the subpoena, or, where the Court has fixed another date, that other date.]

SCHEDULE

[description]

Dated:

Registrar.

Note: If you do not comply with this subpoena you may be arrested.

Issued at the request of [name, address and telephone number], the plaintiffs solicitor [or as the case may be].

IMPORTANT NOTES

- (1) THIS SUBPOENA REQUIRES DOCUMENTS TO BE PRODUCED TO THE ARBITRATOR - NOT TO THE COURT.
- (2) IF DOCUMENTS ARE PRODUCED OTHER THAN AT THE TIME AND PLACE APPOINTED FOR THE HEARING THEY MUST BE PRODUCED TO THE ARBITRATOR AT HIS CHAMBERS OR OFFICE.

Dated this 1st day of March 1990.

J. H. STAUNTON
Chief Judge.
