

TO SUBPOENA A WITNESS

Rule 10(1)

Step 1

COMPLETE the SUBPOENA. Use a typewriter or print clearly and firmly.



Step 2

SERVE the witness with the subpoena at least 7 days before the court date (unless a judge has ordered otherwise). The purpose of service is to make sure the witness knows that he or she is required to come to court.

When you serve the subpoena, you must offer the witness the sum shown on your subpoena as the amount of travelling expenses to enable the witness to come to court.

If the witness refuses to accept the subpoena, simply drop the subpoena in front of him or her. Tell the witness that he or she has been served, then leave.

NOTE: It is unnecessary to file the subpoena with the court registry before you serve it, and if the witness appears on the hearing date, it never has to be filed.



Step 3

The witness must appear on the date set unless a judge, on application by the witness, has cancelled the subpoena. If a witness does not appear and you still require that witness' evidence, the judge may issue a warrant for the arrest of the witness, but you must prove that the witness was served and that reasonable travelling expenses were offered to the witness. To do this, you will need to **FILE** an AFFIDAVIT OF PERSONAL SERVICE. The form is printed on the back of the party's copy / proof of service copy of the subpoena. If you served the subpoena by dropping it in front of the witness, write these words on the affidavit: "The witness named on this subpoena refused service, and I dropped the subpoena in front of _____ (name of witness)".

Court File Number:

Copy the court file number, FMEP number (if any) and the court location from the application.



Case Name:

Copy the parties' names from the application.



Address of person being subpoenaed.



Record your name in this space



When is the witness required?



Where is the court located?



If you want the witness to bring any documents or other things, list them here so the witness will know what is required.



Information for the witness



You must offer reasonable travelling expenses to a witness, especially if the witness is travelling from out of town.



Sign and date your subpoena.



SUBPOENA

In the Provincial Court of British Columbia

Court File Number:
FMEP Number:
Court Location:

Case name
as it appears on the
application.

In the case between:			
NAME _____			
And:			
NAME _____			
To:			
NAME _____			(WITNESS)
ADDRESS _____		CITY _____	
PROVINCE _____	POSTAL CODE _____	PHONE _____	FAX _____

Address of person
being subpoenaed.

SUBPOENA

When is the
witness required?

You have been subpoenaed as a witness by ^{NAME} _____
and must appear in court

on ^{DATE} _____ at ^{TIME} _____

Where is the court
located?

at ^{COURT LOCATION} _____

You must bring the following records and other things to court:

Information for
the witness.

What happens if you do not attend?

A judge may issue a warrant for your arrest.

Can the subpoena be cancelled?

If you believe that you are not needed as a witness or if it would be a hardship for you to attend court, you may apply to a judge, at least 2 full days before the court date, to cancel the subpoena.

The amount of \$ _____ is attached for use as travelling expenses to enable you to come to the court.

Money for travelling expenses was offered but declined.

Dated ^{DATE} _____

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Signature of a person issuing subpoena

Complete this affidavit if personal service was successful.

If you served the subpoena on the back of this page together with another document(s), you need to complete only one affidavit of personal service, listing all documents served on the person named.

Check box(es) for each document served, and name the document. Make sure you mark each attached document with the correct Exhibit letter.

If you must make a correction, or cross anything out, please initial.

This section must be sworn or affirmed before a Commissioner for Taking Affidavits.

PFA 058a 01/2007
Form 15
(OPC 7530854051)

AFFIDAVIT OF PERSONAL SERVICE (FORM 5)

I swear or affirm that I _____ NAME _____ OCCUPATION _____

of _____ ADDRESS _____ personally served _____ NAME OF PERSON SERVED _____

on _____ DATE _____ at _____ ADDRESS _____

with a copy of the following documents:

- the subpoena on the back of this page
- EXHIBIT "___"
- EXHIBIT "___"
- EXHIBIT "___"
- EXHIBIT "___"

The party was identified to me in this manner:

- I know the person
- He/she admitted to being this person.
- Other (specify) _____

Sworn or affirmed before me

at _____

British Columbia

on _____ DATE _____

Signature

A Commissioner for Taking Affidavits for British Columbia