

**\*For use in the District Court**

In the Magistrate's Court for the District of .....  
held at ..... Case No. .... of 20.....  
In the matter between

..... Plaintiff  
and  
..... Defendant

To: the Sheriff/Deputy Sheriff:

INFORM:

- (1) ..... of .....
- (2) ..... of .....
- (3) ..... of .....
- (4) ..... of .....

that each of them is hereby required to appear in person before this court at court number..... on the ..... day of ....., 20....., at..... (time) in the above-mentioned action to give evidence or to produce books, papers or documents on behalf of the ..... (Where documents are required to be produced, add:) and to bring with each one of them and then produce to the court the **[several books, papers or documents]** deeds, documents, books, writings, tape, electronic, digital or other form of recordings (hereinafter referred to as "documents") or things specified in the list hereunder.

Payment of the witness fees for the witnesses as provided and allowed under section 51bis of the Magistrates' Courts Act, 1944 (Act 32 of 1944), as amended, is hereby tendered by the Plaintiff/Defendant.

(a) If any person, being duly subpoenaed to give evidence or to produce any books, papers or documents in his or her possession or under his or her control, which the party requiring the witness(es)' attendance desires to show in evidence, fails, without lawful excuse, to attend or to give evidence or to produce those books, papers or documents according to the subpoena or, unless duly excused, fails to remain in attendance throughout the trial, the court may, upon being satisfied on oath or by the return of the messenger that such person has been duly subpoenaed and that such person's reasonable expenses, calculated in accordance with the tariff prescribed under section 51bis, have been paid or offered to such person, impose upon the said person a fine not exceeding R300, 00, and in default of payment, imprisonment for a period not exceeding three months **[, whether or not such person is otherwise subject to the jurisdiction**

of the court].

(b) If privilege is claimed in respect of any document or thing, the party that caused the subpoena to be issued shall be informed within five days of receipt of the subpoena of the nature of the privilege claimed; and

(c) Such person is entitled to the return of the document or thing after inspection or copying or photographing by the parties.

Dated at ..... this ..... day of ....., 20.....,

.....  
Clerk of the Court

**LIST OF [BOOKS, PAPERS OR] DOCUMENTS OR THINGS TO BE PRODUCED**

Date	Description Original or Copy
.....	.....
.....	.....
.....	.....

(See back.)

[Print on back, paragraphs (a) and (b) of section 51(2) of the Act]

**No. 24 – Subpoena**  
**\*For use in the Regional Court**

In the Regional Court for the Regional Division of .....  
held at ..... Case No. .... of 20.....  
In the matter between .....Plaintiff  
and .....Defendant

To: the Sheriff/Deputy Sheriff:

INFORM:

- (1) ..... of .....
- (2) ..... of .....
- (3) ..... of .....
- (4) ..... of .....

that each of them is hereby required to appear in person before this court at court .....on the ..... day of ....., 20....., at ..... (time) in the above-mentioned action to give evidence or to produce books, papers or documents on behalf of the ..... (Where documents are required to be produced, add:) and to bring with each one of them and then produce to the court the

several books, papers or documents specified in the list hereunder.

Payment of the witness fees for the witnesses as provided and allowed under section 51bis of the Magistrates' Courts Act, 1944 (Act 32 of 1944), as amended, is hereby tendered by the Plaintiff/Defendant.

(a) If any person, being duly subpoenaed to give evidence or to produce any books, papers or documents in his or her possession or under his or her control, which the party requiring the witness(es)' attendance desires to show in evidence, fails, without lawful excuse, to attend or to give evidence or to produce those books, papers or documents according to the subpoena or, unless duly excused, fails to remain in attendance throughout the trial, the court may, upon being satisfied on oath or by the return of the messenger that such person has been duly subpoenaed and that such person's reasonable expenses, calculated in accordance with the tariff prescribed under section 51bis, have been paid or offered to such person, impose upon the said person a fine not exceeding R300, 00, and in default of payment, imprisonment for a period not exceeding three months [**whether or not such person is otherwise subject to the jurisdiction of the court**].

(b) If privilege is claimed in respect of any document or thing, the party that caused the subpoena to be issued shall be informed within five days of receipt of the subpoena of the nature of the privilege claimed; and

(c) Such person is entitled to the return of the document or thing after inspection or copying or photographing by the parties.

Dated at ..... this ..... day of ....., 20.....,

.....

Registrar

LIST OF [**BOOKS, PAPERS OR**] DOCUMENTS OR THINGS TO BE PRODUCED

Date                      Description Original or Copy

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(See back.)

[Print on back, paragraphs (a) and (b) of section 51(2) of the Act]