

No. 24A – Subpoena duces tecum

***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).....
- (2).....
- (3).....
- (4).....

(State names, sex, occupation and place of business or residence of each witness)

that each of such persons shall within 10 days of receipt of this subpoena, lodge with the clerk of the said Court (here describe accurately each document to be produced) or inform the clerk of the whereabouts of (here describe a thing to be produced)

- (1).....
- (2).....
- (3).....

unless such person claims privilege in respect of any document or thing.

AND INFORM each of the said persons further that:

(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;

(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 atthis day of 20.....

.....
Clerk of the Court

.....
Plaintiff / Defendant / Attorney

No. 24A – Subpoena duces tecum

***For use in the Regional Court**

In the Magistrate's Court for the Region of
held at Case No: of 20.....

In the matter between:

.....Plaintiff

and

..... Defendant

To: the Sheriff/Deputy Sheriff:

INFORM:

(1).....

(2).....

(3).....(4).....

.....

(State names, sex, occupation and place of business or residence of each witness)

that each of such persons shall within 10 days of receipt of this subpoena, lodge with the registrar of the said Court (here describe accurately each document to be produced) or inform the registrar of the whereabouts of (here describe a thing to be produced)

- (1).....
- (2).....
- (3).....

unless such person claims privilege in respect of any document or thing.

AND INFORM each of the said persons further that:

(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;

(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 atthis day of 20.....

.....
Registrar of the Court

.....
Plaintiff / Defendant / Attorney