

**Magistrates' Courts Rules**

**Annexure 1**

**FORM 24A**

**Subpoena *duces tecum***

[Form 24A – Subpoena *duces tecum* substituted GNR 5127 in G. 51056 with effect from 20 September 2024.]

**\*No. 24A – Subpoena *duces tecum***

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

In the Magistrates' 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 .....

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

(1) that each of such persons shall, within 10 days of receipt of this subpoena, lodge with the clerk of the said [Court] court the documents listed below ([here] describe accurately each document to be produced) and/or inform the clerk of the whereabouts of [(here describe a] the thing listed below and to be produced:[])

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

unless such person claims privilege in respect of any document [of] or thing; and

(2) [AND] INFORM each of the said persons [further that] of the following:

(a) If any person, being duly subpoenaed to give evidence or to produce any [books, papers or] document[s] or thing 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 that [those books, papers or] document[s] or thing 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 51*bis*, 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) Such person may waive privilege but, [If] 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 the inspection, [or] photocopying or photographing thereof by the parties.

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

.....  
Clerk of the Court

.....  
Plaintiff/Defendant/Attorney

**No. 24A – Subpoena *duces tecum***

**\*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 .....

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

(1) that each of such persons shall, within 10 days of receipt of this subpoena, lodge with the registrar of the said [Court] court the documents listed below ([here] describe accurately each document to be produced) and/or inform the registrar of the whereabouts of [(here describe a] the thing listed below and to be produced:[]]

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

unless such person claims privilege in respect of any document [of] or thing; and

(2) [AND] INFORM each of the said persons [further that] of the following:

(a) If any person, being duly subpoenaed to give evidence or to produce any [books, papers or] document[s] or thing 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 that [those books, papers or] document[s] or thing 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 51*bis*, 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) Such person may waive privilege but, [if] 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 the inspection, [or] photocopying or photographing thereof by the parties.

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

.....  
Registrar of the Court

.....  
Plaintiff/Defendant/Attorney"