

PART B: information about the application

The witness can [give the following evidence] [produce the following documents or objects]:

The evidence is likely to be material to what is in issue in the case because:
(Explain why you think the evidence would be material. The court CANNOT order the witness to give or produce evidence unless you can show that it is likely to be material evidence.)

I have taken the following steps to obtain the witness' attendance, but the witness will not attend without a summons:
(Explain why it is in the interests of justice to issue a summons.)

I have made this application as soon as reasonably practicable because:
(Explain any delay.)

I have served this application on the proposed witness No Yes

PART C: supporting material

Have you included with this application any other information ?

No Yes If yes, list it here.

PART D: declaration

The statements contained in this application are true to the best of my knowledge and belief. I make them knowing that if I have wilfully stated anything which I know to be false or do not believe to be true I may be liable to prosecution.

Signed:

[[for] prosecutor]
[defendant / defendant's solicitor]

Date:

Notes for Guidance

A. If you are the applicant

1. When to use this form

Unless the court otherwise directs, you do not have to use this form but it may help you to do so. See Criminal Procedure Rule 28.3(3).

If you want the court to issue a witness summons for the proposed witness to produce in evidence, or to give evidence about information contained in, a document that records **confidential information relating to another person** - for example, information recorded in notes kept by a social services authority, in a patient's health records, or in a pupil's school records – do NOT use this form. You **MUST** instead use the form of Application for a Witness Summons (Confidential Information Relating to Another Person). See Criminal Procedure Rule 28.5.

2. Letting the witness know about the application

Unless the court otherwise directs, you need only serve a copy of this application on the proposed witness if you wish. See Criminal Procedure Rule 28.4(2).

B. If you are the witness

This is an application for the court to order you to attend to give evidence in person in the case described at the beginning of the form. The applicant thinks you can give the material evidence described in Part B of this application. **You are encouraged to take legal advice.**

If a witness summons is issued, you can be arrested, and fined, imprisoned or both, for failure to obey.

1. Objecting to an application

You can ask the court not to issue a witness summons if

- you cannot give the evidence the applicant thinks you can
- you do not think it would be material evidence
- you think your duties or rights, or those of any other person (including that person's rights of confidentiality), outweigh the reasons for the application.

If any of these apply to you, you must contact the court office **as soon as possible**. You should explain your objection in writing and send copies to the court office and to the person who applied for the witness summons.

2. Applying to the court to withdraw a summons

If the court has already issued a witness summons and you did not know about the application, you can ask the court to withdraw the summons if

- you cannot give the evidence required of you
- you do not think it would be material evidence
- you think your duties or rights, or those of any other person (including that person's rights of confidentiality), outweigh the reasons for the application.

If any of these apply to you, you must apply to the court at once. Contact the court office **urgently**. See Criminal Procedure Rule 28.7.

In a Crown Court case, if the court withdraws the summons it may order the person who applied for it to pay your legal costs. See Criminal Procedure Rule 76.7.