

**APPLICATION FOR A WITNESS SUMMONS:
CONFIDENTIAL INFORMATION RELATING TO ANOTHER PERSON**
(Criminal Procedure Rules, rr. 17.3, 17.4 and 17.5)

Case details

Name of defendant:

Court:

Court office address:

Court phone number:

Case reference number:

Charge(s):

THIS IS AN APPLICATION FOR AN ORDER THAT

..... (name of proposed witness)

must [produce in evidence] [give evidence about information contained in]

- (tick as applicable)*
- | | |
|--------------------------------|---|
| social services records | <input type="checkbox"/> |
| health records | <input type="checkbox"/> |
| education records | <input type="checkbox"/> |
| other documents | <input type="checkbox"/> <i>(describe them)</i> |

that relate to *(name the person concerned)*

How to use this form

This form is for use where the applicant wants the witness to give in evidence **confidential information about another person** (sometimes called 'third party material').

The form includes notes to help you complete it. There are notes for guidance for the applicant **and for the witness** at the end of the form.

1. Complete the boxes above and Parts A, B, C and D below. If you use an electronic version of this form, the boxes will expand. If you use a paper version and need more space, you may attach extra sheets.

2. Sign and date the completed form.

3. Send a copy of the completed form to:

(a) the court, and

(b) the proposed witness, unless the court allows you not to do so.

A witness who wants to make representations to the court about this application must do so **not more than 14 days after receiving it.** See the notes for guidance.

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

PART C: supporting material

Have you included with this application any other information ?

No

Yes If yes, list it here (e.g. charge sheet, indictment, defence statement).

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 allows, you **MUST** use this form 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. See Criminal Procedure Rule 17.5.

Other appropriate steps to obtain the relevant information should be taken first. In particular, the prospective witness usually should be asked to supply the information voluntarily. Some prosecuting authorities, and some courts, have arrangements with other authorities under which there can be obtained material that otherwise would have to be the subject of an application for a witness summons. Where such arrangements apply, there may be no need to make an application using this form.

2. Letting the witness know about the application

Unless, exceptionally, the court otherwise allows, you **MUST** serve a copy of the **application** on the witness. Before the court decides the application, it may require you to serve a copy on someone else (e.g. the person to whom the information relates): Criminal Procedure Rule 17.5(3).

The court cannot usually issue a summons for a witness to produce documents in evidence, or give evidence about information that that witness holds in confidence, unless that witness has had **at least 14 days** in which to respond: Criminal Procedure Rule 17.5(4).

B. If you are the witness

This is an application for the court to order you to produce in evidence, or to give evidence about information contained in, documents that relate to another person. The applicant thinks you have the documents or information described in the application, and thinks you can give material evidence in the case described at the beginning of the form. **Unless you are willing to do so voluntarily, you do not have to give any documents or information unless the court issues a summons. 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 do not have the documents or information the applicant thinks you have
- you do not think the documents or information would be material evidence
- you think your duties or rights, or those of the person to whom the documents or information relate (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

Usually, you will have 14 days from receiving this application to decide how to respond.

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

- you do not have the documents or information required of you
- you do not think the documents or information would be material evidence
- you think your duties or rights, or those of the person to whom the documents or information relate (including that person's rights of confidentiality), outweigh the reasons for the issue of the summons.

If any of these apply to you, you must apply to the court at once. Contact the court office **urgently**. See Criminal Procedure Rule 17.7.

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 45.7.