



Judicature (Northern Ireland) Act 1978

1978 CHAPTER 23

PART V

PRACTICE, PROCEDURE AND TRIALS

67 Subpoenas in other parts of the United Kingdom

- (1) In connection with any cause or matter in or pending before the High Court, the Court of Appeal or any inferior court or tribunal in aid of which the High Court may act, a judge of the High Court, or (in the case of a cause or matter in or pending before the Court of Appeal) of the Court of Appeal, may, if satisfied that it is proper to compel—
 - (a) the personal attendance at any proceedings of any witness not within the jurisdiction of the court; or
 - (b) the production by any such witness of any document or exhibit at any proceedings,order that a writ of subpoena ad testificandum or writ of subpoena duces tecum shall issue in special form commanding the witness, wherever he shall be within the United Kingdom, to attend the proceedings, and the service of any such writ in any part of the United Kingdom shall be as valid and effectual to all intents and purposes as if it had been served within the jurisdiction of the court.
- (2) A writ of subpoena ad testificandum or duces tecum may be issued under this section for the purpose of enforcing any order made by the High Court requiring any person to give evidence respecting any paper or writing being or purporting to be testamentary or to lodge in the Probate and Matrimonial Office any such paper or writing which may be shown to be in his possession or under his control.
- (3) References in subsection (1) to proceedings include references to proceedings before an officer of a court or tribunal, an examiner or commissioner appointed by the court (including an examiner or commissioner appointed to take evidence outside the jurisdiction of the court) or an official or special referee or arbitrator.

Status: This is the original version (as it was originally enacted).

- (4) Every writ issued under this section shall have at its foot a statement to the effect that it is issued by the special order of a judge, and no such writ shall issue without such a special order.
- (5) If any person served with a writ issued under this section does not appear as required by the writ, the High Court, on proof to the satisfaction of the court of the service of the writ and of the default, may transmit a certificate of the default under the seal of the court or under the hand of a judge of the court, if the service was in Scotland to the Court of Session in Edinburgh, and if the service was in England or Wales to the High Court of Justice in London, and the court to which the certificate is so sent shall thereupon proceed against and punish the person so having made the default in like manner as if that person had neglected or refused to appear in obedience to process issued out of that court.
- (6) No court shall in any case proceed against or punish any person for having made such default as aforesaid unless it is shown to the court that a reasonable and sufficient sum of money to defray the expenses of coming and attending to give evidence and of returning from giving evidence was tendered to that person at the time when the writ was served upon him.
- (7) Nothing in this section shall alter or affect—
 - (a) the power of the High Court to issue a commission for the examination of witnesses out of the jurisdiction of the court in any case in which, notwithstanding this section, the court thinks fit to issue such a commission ;
or
 - (b) the admissibility of any evidence at any trial where such evidence was heretofore by law receivable on the ground of any witness being beyond the jurisdiction of the court, and the admissibility of any such evidence shall be determined as if this section and any statutory provision reproduced by this section had not passed.