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STATUTORY INSTRUMENTS

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**2010 No. 60**

The Criminal Procedure Rules 2010

PART 28

WITNESS SUMMONSES, WARRANTS AND ORDERS

**Application for summons to produce a document, etc.: court's assessment of relevance and confidentiality**

**28.6.**—(1) This rule applies where a person served with an application for a witness summons requiring the proposed witness to produce in evidence a document or thing objects to its production on the ground that—

- (a) it is not likely to be material evidence; or
- (b) even if it is likely to be material evidence, the duties or rights, including rights of confidentiality, of the proposed witness or of any person to whom the document or thing relates, outweigh the reasons for issuing a summons.

(2) The court may require the proposed witness to make the document or thing available for the objection to be assessed.

(3) The court may invite—

- (a) the proposed witness or any representative of the proposed witness; or
- (b) a person to whom the document or thing relates or any representative of such a person, to help the court assess the objection.