



\_\_\_\_\_ COURT of WESTERN AUSTRALIA

**WITNESS SUMMONS  
TO GIVE ORAL EVIDENCE**

*Criminal Procedure Act 2004*

*Criminal Procedure Rules 2005, r 38(1)(a)*

Court number	
_____ court at	

<b>Case</b> [Names of parties to the case in which the witness is required]	
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<b>To:</b> [Witness details] [Full name and address]	Full name	
	Address	

<b>Command</b>	<b>You are commanded to attend personally at the time and place specified below to give evidence in the above matter.</b>
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<b>Time and place to appear</b>	You must attend personally as follows:			
	Date		Time	
	Court		Place	
	You must attend at the court until you are released by the court, not only on the above date but also on subsequent days.			

<b>Warning</b>	<b>If you do not obey this summons you may be arrested and also you may be imprisoned or fined or both.</b>
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<b>Party requesting summons</b>	This summons is issued by the court at the request of:	Reference number:	
	For enquiries contact:	Telephone number	Fax number

<b>Date summons issued</b>	This summons is issued by the court on:	Court seal
	Date:	

<b>Service details</b>  [*Police only]	I personally served a copy of this summons and the "Notice to witness" in the <i>Criminal Procedure Rules 2005</i> Schedule 2 on this witness at [place] on [date].		
	At the same time I gave the witness [set out the amount of money or other means for the witness to comply with the summons]		
	Name of server:		*Registered No:
	Signature:		*Station:

## Schedule 2 - Information for witness

### Notice to witness

**This notice and the attached document(s) are very important.**

**Please read them very carefully. If you have any trouble understanding them, you should get legal advice as soon as possible.**

Attached to this notice is either one or two witness summonses that have been issued by the court.

<b>Your rights</b>	You may be able to apply to the court to have the summons set aside. If you want to make such an application you should get legal advice.
<b>Your obligations</b>	<p>You must obey this summons if at the time you were served with it or at some reasonable time before the date when the summons requires you to appear in court —</p> <ul style="list-style-type: none"><li>• an amount that is likely to be sufficient to meet your reasonable expenses of attending court was tendered to you.</li><li>• arrangements to enable you to attend court were made with you; or</li><li>• you were provided the means to enable you to attend court.</li></ul> <p>If you do not obey the summons you may be imprisoned or fined or both.</p>
<b>Are you restricted in where you can go by a legal order?</b>	<p>Read this if you are subject to a legal restriction on your movements that you might breach when you obey the summons; for example one of these—</p> <ul style="list-style-type: none"><li>• a bail undertaking;</li><li>• an order imposed on you by a court as or part of a sentence;</li><li>• a work and development order;</li><li>• a parole or other order imposed on you when you were released from prison.</li></ul> <p>If you are restricted in where you can go, you must —</p> <ul style="list-style-type: none"><li>• tell the person who supervises the order that restricts your movements; and</li><li>• tell the court that issued the summons; and</li><li>• tell the party that requested the summons,</li></ul> <p>as soon as practicable after you are served with the summons.</p> <p>You must take all reasonable steps to have the restriction varied so that you can comply with the summons.</p> <p>If the restriction is not varied you must tell the court that issued the summons and the party that requested the summons either</p> <ul style="list-style-type: none"><li>• Of the steps you took to have the restriction varied and that the restriction has not been varied; or</li><li>• That the law does not permit that variation.</li></ul> <p>Whichever is the case.</p>

### Additional information for witness

*[Optional for use by issuing party]*