

Supreme Court Rules 1937—Form 5.1

(see o 83 r 8)

Certificate of noncompliance with subpoena

In the Supreme Court of the Australian Capital Territory

No _____ of (*year*)

Evidence and Procedure (New Zealand) Act 1994 (Cwlth)

(*name*)

Plaintiff/Appellant

(*name*)

Defendant/Respondent

To: The High Court of New Zealand

It is hereby certified that—

- (a) leave to serve in New Zealand a subpoena issued by the Supreme Court of the Australian Capital Territory was given under the *Evidence and Procedure (New Zealand) Act 1994* of Australia, section 9 by a Judge of the Court on (*date of leave*); and
- (b) the person named failed to comply with the subpoena.

Accordingly the Court respectfully requests you to exercise your powers under the *Evidence Amendment Act 1994* of New Zealand, section 16.

A copy of the subpoena and a copy of the order giving leave to serve it in New Zealand are annexed to this certificate.

*No application for the subpoena to be set aside in whole or in part has been made.

*An application for the subpoena to be set aside in whole or in part was dismissed by order made on *(date)*. A copy of the order is annexed to this certificate.

**(Delete whichever is inapplicable)*

Date:

By the Court

(Signature of Registrar and seal of Court)

Endnote

- 1 This form was originally in the *Supreme Court Rules 1937*. Under the *Court Procedures Act 2004* A2004-59, pt 8, the form became a form approved under that Act.

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