

PRACTICE DIRECTION – ADMISSIONS, EVIDENCE AND DEPOSITIONS

This practice direction supplements Part 14 of the Court of Protection Rules 2007

PRACTICE DIRECTION D – WITNESS SUMMONS

Issue of a witness summons

1. Rule 106 makes provision as to the taking out of a witness summons.
2. A witness summons may require a witness to:
 - (a) attend court to give evidence;
 - (b) produce documents to the court; or
 - (c) both (a) and (b),on either a date fixed for a hearing or such date as the court may direct.
3. An application for a witness summons should be made by filing a COP9 application notice in accordance with the Part 10 procedure.
4. In the event the court grants the application, the witness summons will be prepared by the court.
5. A mistake in the name or address of a person named in the witness summons may be corrected if the summons has not been served.
6. If the mistake is a result of an error in the original application notice, an application to correct the mistake should be made by filing a further COP9 application notice in accordance with the Part 10 procedure. The application notice should set out the corrections that need to be made to the witness summons.
7. If the mistake is a result of a clerical mistake, the person taking out the summons should write to the court advising them of the mistake and seeking an amendment under rule 23 (clerical mistakes or slips).
8. The corrected summons must be re-sealed by the court and marked “Amended and Re-sealed”.

Travelling expenses and compensation for loss of time

9. When a witness is served with a witness summons he must be offered a sum to cover his travelling expenses to and from the court and compensation for his loss of time.¹
10. The sum referred to in paragraph 9 is to be based on the sums payable to witnesses attending the Crown Court.²
11. In addition, the witness must be paid such general or other costs as the court may allow.³

¹ Rule 106(6)(a) and (b).

² These sums are fixed pursuant to the Prosecution of Offenders Act 1985 and the Costs in Criminal Cases (General) Regulations 1986.

³ Rule 106(7).