

Supreme Court Rules 1937—Form 1.27

(see o 34B r 3)

Notice for non-party production

In the Supreme Court of the Australian Capital Territory

No _____ of (*year*)

(*name/s*)
Plaintiff[s]*

(*name/s*)
Defendant[s]*

To [name]
[address]

Production of documents

You must produce for inspection the documents specified in the schedule that are in your possession or control and that relate to a matter in question in the action that you could be required to produce at the trial of the action.

Can copies be produced?

Legible copies of documents may be produced instead of the original documents.

Where must you produce the documents?

You must produce the documents to [*name of party or solicitor*] at the address for production mentioned below during ordinary business hours, or at another time and place agreed between the applicant and you, within [*14 days/ *period longer than 14 days*] after the day this notice was served on you.

Address for production

[address and telephone number of party or solicitor to whom documents are to be produced]

What happens if you do not produce the documents?

If you do not produce the documents, the applicant may apply to the Court for a determination about the failure.

Copying produced documents

The applicant or the applicant's solicitor may copy the documents produced unless you object. If you object, the applicant may apply to the Court for a determination of the objection.

You may apply for this notice to be set aside or varied

You may apply to the Court to have this notice set aside or varied within 14 days after the day it was served on you.

If you claim privilege from production etc

If you claim that any document is privileged from production or otherwise object to production, you need not produce the document and you or the applicant may apply to the Court for a determination of the claim or objection.

Expenses of production

Any expenses reasonably incurred by you in complying with this notice, including costs of copying any document, must be paid by the applicant. If you have not been paid an amount that you consider adequate to compensate you for expenses reasonably incurred (or expected to be reasonably incurred) in complying with this notice, you must still comply with this notice. However, you may apply in writing to the Registrar under the *Supreme Court Rules 1937*, order 34B rule 9 (2) for a decision about compensation for your expenses. Before applying, you must give the applicant 7 days written notice of your intention to do so at the address mentioned below.

Applicant's address

[applicant's address and telephone number]

Note: The place where documents must be produced may not be the same as the applicant's address.

Schedule

[description of documents]

[If a copy of the notice is to be served on another party under the Supreme Court Rules 1937, order 34B rule 4 (2)]

To *[name of other party]* of *[address]*:

- 1 You may apply to the Court to have this notice set aside or varied within 14 days after the day this notice is served on the respondent to the notice.
- 2 If you claim that a document is privileged from production or otherwise object to production, you, the applicant or the respondent to the notice may apply to the Court for a determination of the claim or objection.]

Date:

By the Court

Registrar:

**delete if inapplicable*

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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