

Form 2.27 Notice for non-party production

Court Procedures Rules 2006

(see r 660 (Notice for non-party production—issue))

In the *[Supreme/Magistrates] Court of the Australian Capital Territory

No *[SC/MC] of (*year*)

(*name*)

Plaintiff

(*name*)

Defendant

To (*name*)

 (*address*)

Filed for the (party) by:

(the party's address for service and telephone number (if any) or, if the party is represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor)

Production of documents

You must produce for inspection the documents stated in the schedule to this notice.

Schedule

(description of documents to be produced)

Where must you produce the documents?

You must produce the documents to the person stated below (the ***receiving party***) at the address for production stated below during ordinary business hours, or at another time and place agreed between the receiving party and you, not later than *[14 days/*(period longer than 14 days)*] after the day this notice was served on you.

Name of receiving party and address for production

(name, address and telephone number of party or solicitor to whom documents are to be produced)

Notes

What documents must be produced?

You only need to produce documents that relate to a matter in issue in the proceeding, that are in your possession and that you could be required to produce at the trial of the proceeding. (see r 660 (3)).

Can copies be produced?

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

What happens if you do not produce the documents?

If you do not produce the documents, the applicant may apply to the Court for orders in relation to the failure.

Can the produced documents be copied?

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 orders in relation to the objection.

Can application be made for this notice to be amended or set aside?

You may apply to the Court to have this notice amended or set aside not later than 14 days after the day it was served on you.

Note See r 663 (Notice for non-party production—application to set aside).

How can production of document be objected to?

If you claim that any document is privileged from production or otherwise object to its production, you must file in the Court an affidavit stating—

- (a) the document that you object to producing; and
- (b) the reason you claim privilege from production or otherwise object to the document being produced.

You must also serve a stamped copy of the affidavit on the applicant.

You need not produce the document and you or the applicant may apply to the Court for orders in relation to the claim or objection.

Note 1 See r 664 (Notice for non-party production—privilege or objection).

Note 2 The *Court Procedures Rules 2006*, pt 6.2 (Applications in proceedings) applies to an application for orders in relation to the claim or objection.

Are you entitled to expenses for the production?

Any expenses reasonably incurred by you in complying with this notice must be paid by the applicant. If you have not been paid an amount that you consider adequate to cover the expenses reasonably incurred (or expected to be reasonably incurred) in complying with this notice, you may apply to the Court to decide the amount that the applicant is to pay you. Before making an application to the Court, you must give the applicant 7 days notice of your intention to make the application.

Note See r 667 (Notice for non-party production—costs).

Notice to other party

(If a copy of the notice is also to be served on another party under r 661 (3))

To *(name of other party)* of *(address)*:

1. You may apply to the Court to have this notice amended or set aside not later than 14 days after the day this notice is served on the respondent to the notice.

Note See r 663 (Notice for non-party production—application to set aside).

2. If you claim that a document is privileged from production or otherwise object to production, you must give notice of the objection to the applicant for the notice and, if required by the applicant, file in the Court an affidavit stating—

- (a) the document that you object to producing; and
- (b) the reason you claim privilege from production or otherwise object to the document being produced.

You must also serve a stamped copy of the affidavit on the applicant.

You may apply to the Court for orders in relation to the claim or objection.

Note 1 See r 664 (Notice for non-party production—privilege or objection).

Note 2 The Court Procedures Rules 2006, pt 6.2 (Applications in proceedings) applies to an application for orders in relation to the claim or objection.

(seal or stamp of the Court)

Date:

Issued at the request of (name of party), whose address for service is: