
STATUTORY INSTRUMENTS

1997 No. 172

The Standing Civilian Courts Order 1997

PART III

GENERAL MATTERS

Witness summons

26.—(1) Where any person is required to give evidence before a Standing Civilian Court the court administration officer may summon the witness by issuing a witness summons in the form set out in Schedule 2 to this Order.

(2) Where any person is required to give evidence before a Standing Civilian Court the magistrate may, after the opening of proceedings, issue a witness summons.

(3) A witness summons shall be served on the witness—

- (a) by delivering it to him personally;
- (b) by leaving it for him with a person at the witness's usual place of abode;
- (c) by post in a letter addressed to him at his last known or usual place of abode; or
- (d) for a witness who is subject to military law, air force law or the Naval Discipline Act 1957, through his commanding officer.

(4) Where any person is served with a summons in accordance with this article, there shall be paid or tendered to him at that time any expenses which by regulations made by the Defence Council are payable to a witness in respect of his attendance at a trial.

(5) For the purposes of paragraph (4) above—

- (a) the tender of a warrant or voucher entitling the person to travel free of charge shall constitute tender of his expenses in respect of any travelling required; and
- (b) the tender of a written undertaking by the court administration officer to defray any other expenses payable under the regulations shall constitute tender in respect of those expenses.