STATUTORY INSTRUMENTS

1965 No. 1567 (L. 16)

SUPREME COURT OF JUDICATURE, ENGLAND

PROCEDURE

The Rules of the Supreme Court (No. 3) 1965

Made - - - -	*6th August* 1965
Laid before Parliament	*13th August* 1965
Coming into Operation	*5th October* 1965

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under section 99(4) of the Supreme Court of Judicature (Consolidation) Act 1925(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1. The Rules of the Supreme Court(b) as amended(c) shall be further amended in accordance with the following provisions of this instrument.

2. In Order 54, rule 12, the following paragraphs shall be substituted for paragraph (*a*):—

"(*a*) all matters relating to criminal proceedings, other than applications to which Order 79, rule 11(2) relates;

(*aa*) all matters relating to the liberty of the subject".

3. The following paragraph shall be added to Order 75, rule 27(1):—

"The reference in this paragraph to a shorthand note shall be construed as including a reference to a record of the proceedings made by mechanical means."

4. At the end of Order 79 there shall be added the following rules:—

Issue of witness summonses, etc.

"11.—(1) A witness summons under section 2 of the Criminal Procedure (Attendance of Witnesses) Act 1965(d) may be issued out of the Crown Office or a district registry.

A witness summons under the said section 2 must be in Form No. 84C, 84D or 84E in Appendix K, whichever is appropriate.

(2) No appearance need be entered to an originating summons by which an application is made under section 2(2) of the said Act for a direction

(a) 15 & 16 Geo. 5. c. 49.
(b) Rev. 1903 XII, p. 54, and S.I. 1962/2145 (1962 III, p. 2529).
(c) The amending Rules are not relevant to the subject matter of these Rules.
(d) 1965 c. 69.

that a witness summons shall be of no effect, and the application shall be heard and determined in chambers."

Application for warrant to arrest witness

"12.—(1) An application to a judge of the High Court under section 4 of the Criminal Procedure (Attendance of Witnesses) Act 1965 for the issue of a warrant to arrest a witness and bring him before the court before which he is required to attend must be made by originating summons, supported by affidavit, and the application may be heard and determined either in court or in chambers.

(2) No appearance need be entered to an originating summons by which such an application is made and, unless the judge otherwise directs, the summons need not be served on the person sought to be arrested."

5. The following forms shall be inserted in Appendix K to the Rules of the Supreme Court: —

"No. 84C

Witness Summons

Central Criminal Court or Assizes (Crown Court)
(0.79, r. 11)

To of

You are hereby summoned to attend before the Central Criminal Court in the Old Bailey, Newgate Street, London, E.C.4 [*or* at (*name of assize town and address of court*) before the Justices assigned to take the assize in and for the county of] on the day of 19 at o'clock to give evidence against [*or* on behalf of] A.B. on an indictment for [*describe the offence*] [and to produce (*specify the documents or things to be produced*)] and to attend from day to day until the said indictment is tried.

Issued on the day of 19 by [agent for] solicitor for the "

"No. 84D

Witness Summons

Court of quarter sessions
(0.79, r. 11)

To of

You are hereby summoned to attend before the court of quarter sessions for the [county] [borough] of at [*address of court*] on the day of 19 to give evidence [*remainder as in No.* 84C]."

"No. 84E

Witness Summons

Court of quarter sessions: Appeal
(0.79, r. 11)

To of

You are hereby summoned to attend before the court of quarter sessions for the [county] [borough] of at [*address of court*] on the day of 19 at o'clock to give evidence on an appeal between Appellant and Respondent with respect to [*state nature of the appeal*] on behalf of the Appellant [*or* Respondent] [and to produce (*specify the documents or things to be produced*)] and to attend from day to day until the said appeal is heard.

Issued [*as in No.* 84C]."

6. This instrument may be cited as the Rules of the Supreme Court (No. 3) 1965 and shall come into operation on 5th October 1965.

Dated 6th August 1965.

Gardiner, C.
Parker of Waddington, C.J.
Denning, M.R.
J. E. S. Simon, P.
Edmund Davies, J.
Geoffrey Cross, J.
Eustace Roskill, J.
Arthur Bagnall.
Hugh Griffiths.
Charles Norton.
W. O. Carter.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

Rules 2, 4 and 5 of these Rules make provision for the issue of witness summonses and other proceedings in the High Court under the Criminal Procedure (Attendance of Witnesses) Act 1965. Rule 3 enables the official note of Admiralty proceedings to be made by mechanical means instead of being taken in shorthand.