

July 10, 2018



SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

NOTICE TO THE PROFESSION

ISSUING SUBPOENAS IN CRIMINAL PROCEEDINGS

Please be advised that the Supreme Court of Newfoundland and Labrador has recently changed its practice with regard to the process for issuing subpoenas in criminal proceedings to better reflect the requirements of s. 698 of the *Criminal Code*.

Now, where counsel for a party is seeking to have a subpoena issued compelling the appearance of a witness within the Province, counsel may be subject to a brief inquiry by the registry clerk prior to issuance. This will, generally, be confined to being asked, under oath or affirmation, whether counsel believes that the person named in the subpoena is likely to give material evidence in the proceeding. If counsel attends at the registry, this inquiry will be conducted in person prior to issuance. Otherwise, the inquiry may be done by phone.

It should be noted that this is a judicial inquiry and the registry clerk, in conducting this inquiry, is acting as a justice of the peace.

If you have any questions with respect to the above, please email the court at supcourtinquiries@supreme.court.nl.ca.

RAYMOND P. WHALEN
Chief Justice of the Supreme Court of
Newfoundland and Labrador