



Effective date: 17 May 2021

GEN 04

PRACTICE DIRECTION

SUBPOENAS REQUIRING OPPOSING COUNSEL TO GIVE EVIDENCE

Purpose

To set out the procedure before a subpoena requiring opposing counsel to give evidence in a proceeding can be issued.

Application

This practice direction applies to all court locations in the Province.

Directions

1. In the event that a subpoena requiring opposing counsel to give evidence in a proceeding is sought, an application for the issuance of the subpoena must be made in writing and spoken to on the record before a judge.
2. Unless otherwise ordered by the Court, at least 30 days prior to the making of the application, the proponent of the subpoena must provide written notice to opposing counsel who is the subject of the subpoena.
3. Except with leave of the Court, the application must be made at least 30 days prior to the commencement of trial.

History of Practice Direction

- Original practice direction dated March 14, 2018.
- January 8, 2020: Housekeeping update to remove “duration” section as contained information duplicated in “History of Practice Direction” section.
- May 17, 2021: Authority statement amended to be consistent with the new *Provincial Court Family Rules* that came into force May 17, 2021.

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379; Rule 3 of the *Provincial Court of British Columbia Criminal Caseflow Management Rules*, SI/99-104; Rule 160 of the *Provincial Court Family Rules*, B.C. Reg. 120/2020; and section 17 of the *Small Claims Act*, R.S.B.C. 1996, c. 430.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia