

## **EXPLANATORY NOTES**

### **SUBPOENA (Call to Appear as a Witness) (SJ-282A)**

The form “Subpoena (Call to Appear as a Witness)” enables a party to call a witness before the Court at the date and time set for the hearing.

For further information, as well as the contact information for courthouses in the province of Québec, consult the [list of courthouses](#) on the website of the ministère de la Justice.

### **TYPES OF FORMS**

This form is available in dynamic PDF format, meaning the form can be downloaded from [www.justice.gouv.qc.ca](http://www.justice.gouv.qc.ca) and completed directly on screen.

- **Dynamic PDF:**

After completing the form, you must print it on letter-sized paper, i.e. 8.5 inches by 11 inches (215.9 mm by 279.4 mm). Be sure to set your printer to this paper size.

- **Paper:**

If you complete the form by hand, please write legibly in block letters.

### **PROCEDURE**

Once the form is completed, keep a copy for your files. You must then go to the courthouse to have it signed by the clerk. Subsequently, you must have the subpoena notified to the witness by bailiff.

The witness must be called at least 10 days before the scheduled appearance at the hearing. That time limit may be shortened by the judge or the clerk and the decision to do so must appear on the subpoena, if applicable.

CANADA  
PROVINCE OF QUÉBEC  
District:  
Locality:  
File No.:

COURT

\_\_\_\_\_  
Plaintiff  
v.  
\_\_\_\_\_  
Defendant  
and  
\_\_\_\_\_  
Impleaded party

**SUBPOENA**  
(articles 269 and following C.C.P.)

Nature of the judicial application:

At the request of: \_\_\_\_\_  
\_\_\_\_\_

We order: \_\_\_\_\_  
\_\_\_\_\_

TO ATTEND at court at the courthouse of \_\_\_\_\_  
situated at \_\_\_\_\_, on \_\_\_\_\_,  
courtroom \_\_\_\_\_, at \_\_\_\_\_ o'clock to testify to everything of which the witness has knowledge in this case.

AND TO BRING: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

If the witness has received in advance the indemnities and allowances payable to a witness and fails to attend, the court may order the witness to pay all or part of the costs caused by the failure to attend or issue an arrest warrant.

Signed at \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Judge / Clerk / Lawyer

\_\_\_\_\_  
Judge / Clerk / Lawyer (in block letters)

## THE WITNESS MUST READ THE FOLLOWING INFORMATION

As a witness, you are required to attend at court to testify in the judicial application specified in this subpoena.

If you fail to attend in accordance with the subpoena, you may be compelled to testify, and an arrest warrant may be issued against you by the court. In addition, the court may order you to pay all or part of the costs caused by your failure to attend.

You may be called:

- to give an account of the facts of which you have personal knowledge;
- to give an opinion as an expert;
- to produce a document or other evidence.

Before testifying, you will have to swear under oath to tell the truth. However, if the disclosure of your address gives cause to fear for your safety, you may ask the court to dispense you from disclosing it.

You have the right to be informed, by the calling party or the calling party's lawyer if represented, of the reason you have been called, of the subject matter of the testimony and of the order of the proceeding. The name and contact information of the calling party or the calling party's lawyer if represented are specified on the subpoena.

If your presence is no longer required, the calling party must inform you.

If you are called, you may require the calling party to pay you an advance, covering the first day of attendance at court, on the loss of time indemnity and the travel, meal and overnight accommodation allowances prescribed by government regulation. However, the calling party is dispensed from this obligation for expenses which it covers directly, if you are a party, or if you are otherwise compensated.

If you are called to attend as a witness in the Small Claims Division of the Court of Québec, you will not be compensated. However, the judge may decide otherwise and grant indemnities if they are requested at the hearing.

After you have testified, the clerk will certify your presence and determine the amount owed to you by the calling party. You must present this subpoena to the clerk along with the proof needed to establish the indemnities and allowances to which you are entitled.

This certificate has the force of an enforceable judgment. If the amounts to which you are entitled are not paid, you may immediately pursue payment of them against the calling party.

Employers and their agents are prohibited, on the grounds that an employee has been summoned or has acted as a witness, from:

- dismissing, suspending or transferring the employee;
- exercising discriminatory measures or reprisals against the employee;
- imposing any other penalty on the employee.

## ADDITIONAL USEFUL INFORMATION

### STATEMENT OF PRINCIPLE REGARDING WITNESSES

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The ministère de la Justice states its commitments with regard to witnesses in the *Statement of Principle regarding Witnesses*. The Statement solemnly reaffirms the primacy of the person in the administration of justice and proclaims the importance of ensuring that persons called to testify are given the respect, information and consideration to which they are entitled.

The *Statement of Principle regarding Witnesses* is available at courthouses and on the website of the ministère de la Justice ([www.justice.gouv.qc.ca](http://www.justice.gouv.qc.ca)).

### BEFORE THE COURT

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- Any person appearing before the Court must be suitably dressed.
- Each party can examine and cross examine the witnesses.
- Witnesses are entitled to the protection of the Court against any intimidation tactics while they are testifying and against any abusive examination.

### ALLOWANCES TO WITNESSES

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- The indemnity payable to a witness is set at \$90 per necessary day of absence from his or her home or \$45 when that absence does not exceed five hours. (Indemnity updated to January 1, 2015.)
- A witness recognized and declared an expert by the Court is entitled to an indemnity of \$180 per necessary day of absence from his or her home or \$90 when that absence does not exceed five hours. (Indemnity updated to January 1, 2015.)
- No indemnity will be paid to witnesses who, pursuant to acts, orders in council, contracts, understandings or collective agreements, do not suffer a loss of earnings (for example, salary or wages) as a result of being summoned to appear as witnesses.

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COURT:

District:

Locality:

File No.:

Fold here

Plaintiff

v.

Defendant

and

Impleaded party

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**SUBPOENA**  
**(Call to Appear as a Witness)**

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The calling party, lawyer or clerk is:

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