



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

INTERPROVINCIAL SUBPOENA ACT

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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INTERPROVINCIAL SUBPOENA ACT

CHAPTER I-9

1. Definitions

In this Act

- (a) “**court**” means any court in a province of Canada;
- (b) “**subpoena**” means a subpoena or other document issued by a court requiring a person within a province other than the province of the issuing court to attend as a witness before the issuing court. *1987, c.36, s.1.*

2. Adoption of interprovincial subpoena

A court in Prince Edward Island shall receive and adopt as an order of the court a subpoena from a court outside Prince Edward Island if

- (a) the subpoena is accompanied by a certificate attached to or endorsed on the subpoena signed by a judge of a court of the issuing province and impressed with the seal of that court, signifying that, upon hearing and examining the applicant, the judge is satisfied that the attendance in the issuing province of the person subpoenaed
 - (i) is necessary for the due adjudication of the proceeding in which the subpoena is issued, and
 - (ii) in relation to the nature and importance of the cause or proceeding, is reasonable and essential to the due administration of justice in that province; and
- (b) the subpoena is accompanied by the prescribed witness fees and travelling expenses. *1987, c.36, s.2.*

3. Immunity by law of other province

A court in Prince Edward Island shall not adopt a subpoena from another province under section 2 unless the law of that other province has a provision similar to section 6 providing absolute immunity to a resident of Prince Edward Island who is required to attend as a witness in the other province from all proceedings of the nature set out in section 6 and within the jurisdiction of the Legislature of that other province except only those proceedings grounded on events occurring during or after the required attendance of the person in the other province. *1987, c.36, s.3.*

4. Failure to comply with subpoena

Where a person who has been served with a subpoena adopted under section 2 and given the prescribed witness fee and travelling expenses, not less than ten days or such shorter period as the judge of the court in the issuing province may indicate in his certificate before the date the person is required to attend in the issuing court, fails without lawful excuse to comply

with the order, he is in contempt of the court in the province that adopted the subpoena, and is subject to such penalty as that court may impose. *1987, c.36, s.4.*

5. Proceedings in Prince Edward Island

(1) Where a party to a proceeding in any court in Prince Edward Island causes a subpoena to be issued for service in another province of Canada, the party may attend upon a judge of the Supreme Court, who shall hear and examine the party or his counsel, if any, and upon being satisfied that the attendance in Prince Edward Island of the person required in Prince Edward Island as a witness

- (a) is necessary for the due adjudication of the proceeding in which the subpoena or other document has been issued; and
- (b) in relation to the nature and importance of the proceedings, is reasonable and essential to the due administration of justice in Prince Edward Island,

shall sign a certificate and shall cause the certificate to be impressed with the seal of the court.

Idem

(2) The certificate referred to in subsection (1) shall be either attached to or endorsed on the subpoena. *1987, c.36, s.5.*

6. No submission to jurisdiction

A person required to attend before a court in Prince Edward Island by a subpoena adopted by a court outside Prince Edward Island is deemed, while within Prince Edward Island in answer to the subpoena, not to have submitted to the jurisdiction of the courts of Prince Edward Island other than as a witness in the proceedings in which he is subpoenaed and is absolutely immune from seizure of goods, service of process, execution of judgment, garnishment, imprisonment or molestation of any kind relating to a legal or judicial right, cause, action, proceeding or process within the jurisdiction of the Legislature of Prince Edward Island except only those proceedings grounded on events occurring during or after the required attendance of the person in Prince Edward Island. *1987, c.36, s.6.*

7. Order for additional witness fees and expenses

Where a person is required to attend before a court in Prince Edward Island by a subpoena adopted by a court outside Prince Edward Island, he may request the court in Prince Edward Island to order additional fees and expenses to be paid in respect of his attendance as a witness, and the court, if it is satisfied that the amount of fees and expenses previously paid to the person in respect of his attendance is insufficient, may order the party who obtained the subpoena to pay the person forthwith such additional fees and expenses as the court considers sufficient, and amounts paid pursuant to an order made under this section are disbursements in the cause. *1987, c.36, s.7.*

8. Application

This Act does not apply to a subpoena that is issued with respect to a criminal offence under an Act of Parliament. *1987, c.36, s.8.*

9. Regulations

The Lieutenant Governor in Council may make regulations respecting the witness fees and travelling expenses that may be paid under this Act. *1987, c.36, s.9.*