**Form 36**

Rule 476(4)

**LETTER OF REQUEST FOR EXAMINATION OF WITNESS**

To [*the competent judicial authority*] of

WHEREAS a civil proceeding is pending in the Supreme Court of Tasmania in which [*name and address*] is plaintiff [*or applicant*] and [*name and address*] is defendant [*or respondent*] and in which the plaintiff [*or applicant*] claims [*set out short particulars of the claim*]

AND WHEREAS it has been represented to the Court that it is necessary for the purposes of justice and for the due determination of the questions in dispute between the parties in the proceedings that the following persons should be examined as witnesses upon oath or affirmation touching such questions, namely [*name and address of each witness to be examined*], and it appears that such witnesses are resident within your jurisdiction

Now I, the Honourable [*name of judge*], a judge of the Supreme Court of the State of Tasmania, request that for the reasons set out above and for the assistance of the Court you will be pleased to summon the said witnesses [, *and such other witnesses as the agents of the parties request you in writing so to summon,*] to attend at such time and place as you appoint before you, or such other person as according to your procedure is competent to take the examination of witnesses, and that you will cause such witnesses to be examined orally, [*or upon the interrogatories which accompany this letter of request,*] touching the said questions in the presence of the agents of the parties or such of them as attend the examination on due notice given.

And I further request that you will permit the agents of the parties or such of them as are present to examine [, *upon interrogatories and orally upon the subject matter of them or arising out of the answers to them,*] such witnesses as are, after due notice in writing, produced on their behalf, and the other party to cross-examine the said witnesses [, *upon cross-interrogatories and orally,*] and the party producing the witness for examination to re-examine the witness orally.

And I further request that you will be pleased to cause the evidence of the said witnesses [, *or the answers of the said witnesses and all additional oral questions, whether on examination, cross-examination or re-examination,*] to be recorded in writing and all books, documents and things produced on such examination to be duly marked for identification, and that you will be further pleased to authenticate such examination by the seal of your tribunal or in such other way as is in accordance with your procedure and to return it together with [*the interrogatories and cross-interrogatories and*] a note of the charges and expenses payable in respect of the execution of this request through the authority from whom the same was received for transmission to the Supreme Court of the State of Tasmania.

And I further request that you cause the agents of the parties if appointed, or in default of appointment cause me, to be informed of the date and place where the examination will take place.

Dated

[*signature of judge*]