

FORM C II
[Regulation 4(1)(b)]

**SUBPOENA IN TERMS OF SECTION 9(2) OF THE MAINTENANCE ACT,
1998 (ACT No. 99 OF 1998)**

Reference No.

Maintenance Court (Magistrate's Court)	Court/Room No.	Date of inquiry
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In the maintenance enquiry between -

.....
(person in whose favour maintenance order is to be/was made)

and

.....
(person against whom maintenance order may be/was made)

A. Subpoena
1. To any person authorised to serve process:

You are hereby directed to -

(a) subpoena the following person(s):

Name of witness: ID No./Date of birth: Address: No. of rail warrant:

Name of witness:
ID No./Date of birth:
Address:
No. of rail warrant:

- (i) to appear in person before the above-mentioned court at 09:00 on the date stated above; and
 - (ii) to remain present until excused by the court,
- to give evidence at an enquiry, in terms of section 10 of the Maintenance Act, 1998 (Act No. 99 of 1998), instituted by the maintenance officer;
- (b) serve on each of the above-mentioned person(s) a copy of this subpoena and report to this Court what you have done with regard to it; and
 - (c) request the above-mentioned person(s) to produce the following at the enquiry:
 - (i)
 - (ii)
 - (iii)

2. Warnings to the person(s) who is/are hereby subpoenaed as (a) witness(es):

- (i) If your above-mentioned address changes before the proceedings are finalised or before you are officially advised that you are no longer required as a witness you must inform the maintenance officer of the above-mentioned court thereof.
- (ii) If you fail to comply with the above-mentioned warning and this subpoena

you may be arrested and on conviction sentenced to a fine or a term of imprisonment.

Dated at this.....day of
.....

.....
Maintenance Officer/Clerk of the Maintenance Court
.

B. Return of service

I,, certify that I
have -

*(a) delivered a copy of the subpoena to..... personally
[regulation 26(1)(a)(i)];

or

*(b) offered a copy of the subpoena for delivery to
personally [regulation 26(1)(a)(i)];

or

*(c) delivered a copy of the subpoena to, a
person apparently not younger than the age of 16 years and apparently
residing or employed at the *residence/place of employment/place of
business of, since he/she could not conveniently
be found [regulation 26(1)(a)(ii) or (iii)];

or

*(d) *affixed/placed a copy of the subpoena to/in the *outer/principal door/
security gate/post box of the *residence/place of employment/place of
business of, since he/she prevented the
service by keeping his/her *residence/place of employment/place of

business closed [regulation 26(1)(c)].

Dated at this day of

.....

***Maintenance Investigator/Sheriff/Police Officer**

*Delete whichever is not applicable