



113th UPDATE – PRACTICE DIRECTION AMENDMENTS

Today, 6 April 2020, amendments made to, *inter alia*, Practice Directions 22 (Statements of Truth) and 32 (Evidence) come into force. This documents sets out the relevant changes in black, and shares the wording as it now stands in purple, for the convenience of the reader.

PRACTICE DIRECTION 22 – STATEMENTS OF TRUTH

1) In paragraph 2.1, in the wording of the statement of truth, at the end insert “I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.”.

2.1 The form of the statement of truth verifying a statement of case, a response, an application notice or a notice of objections should be as follows:

‘[I believe][the (claimant or as may be) believes] that the facts stated in this [name document being verified] are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.’

2) In paragraph 2.2— a) after “as follows” insert “(and provided in the language of the witness statement)”; and b) in the wording of the statement of truth, at the end insert “I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.”.

2.2 The form of the statement of truth verifying a witness statement should be as follows (and provided in the language of the witness statement):

‘I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.’

3) After paragraph 2.3 insert— “2.4 The statement of truth must be in the witness’s own language. 2.5 A statement of truth must be dated with the date on which it was signed.”.

2.3 Where the statement of truth is contained in a separate document, the document containing the statement of truth must be headed with the title of the proceedings and the claim number. The document being verified should be identified in the statement of truth as follows:

- (1) claim form: ‘the claim form issued on [date]’,
- (2) particulars of claim: ‘the particulars of claim issued on [date]’,
- (3) statement of case: ‘the [defence or as may be] served on the [name of party] on [date]’,
- (4) application notice: ‘the application notice issued on [date] for [set out the remedy sought]’,
- (5) witness statement: ‘the witness statement filed on [date] or served on [party] on [date]’.

2.4 The statement of truth must be in the witness’s own language.

2.5 A statement of truth must be dated with the date on which it was signed.

4) In paragraph 3.8(2), after “to the client” insert “(through an interpreter where necessary)”.

3.8 Where a legal representative has signed a statement of truth, his signature will be taken by the court as his statement:

- (1) that the client on whose behalf he has signed had authorised him to do so,
- (2) that before signing he had explained to the client (through an interpreter where necessary) that in signing the statement of truth he would be confirming the client’s belief that the facts stated in the document were true, and
- (3) that before signing he had informed the client of the possible consequences to the client if it should subsequently appear that the client did not have an honest belief in the truth of those facts (see rule 32.14).

5) For the heading above paragraph 3A.1 substitute— “Inability of persons, other than by reason of language alone, to read or sign documents to be verified by a statement of truth”

6) In paragraph 3A.1, after “the document,” insert “other than by reason of language alone,”.

3A.1 Where a document containing a statement of truth is to be signed by a person who is unable to read or sign the document other than by reason of language alone, it must contain a certificate made by an authorised person.

PRACTICE DIRECTION 32 – EVIDENCE

1) In paragraph 17.2— a) at the end of sub-paragraph (4), omit “and”; b) at the end of sub-paragraph (5), for the full stop substitute “; and”; and c) after sub-paragraph (5) insert— “(6) the date of any translation.”.

17.2 At the top right hand corner of the first page there should be clearly written:

- (1) the party on whose behalf it is made,
- (2) the initials and surname of the witness,
- (3) the number of the statement in relation to that witness,
- (4) the identifying initials and number of each exhibit referred to,

- (5) the date the statement was made; and
- (6) the date of any translation.

2) In paragraph 18.1— a) in the first sentence, after “own words” insert “and must in any event be drafted in their own language”; b) at the end of sub-paragraph (3), omit “and”; c) at the end of sub-paragraph (4), for the full stop substitute “; and”; and d) after sub-paragraph (4) insert— “(5) the process by which it has been prepared, for example, face-to-face, over the telephone, and/or through an interpreter.”.

18.1 The witness statement must, if practicable, be in the intended witness’s own words and must in any event be drafted in their own language, the statement should be expressed in the first person and should also state:

- (1) the full name of the witness,
- (2) his place of residence or, if he is making the statement in his professional, business or other occupational capacity, the address at which he works, the position he holds and the name of his firm or employer,
- (3) his occupation, or if he has none, his description,
- (4) the fact that he is a party to the proceedings or is the employee of such a party if it be the case; and
- (5) the process by which it has been prepared, for example, face-to-face, over the telephone, and/or through an interpreter.

3) In paragraph 19.1— a) at the end of sub-paragraph (6), omit “and”; b) at the end of sub-paragraph (7), for the full stop substitute “; and”; and c) after sub-paragraph (7) insert— 5 “(8) be drafted in the witness’s own language.”.

19.1 A witness statement should:

- (1) be produced on durable quality A4 paper with a 3.5cm margin,
- (2) be fully legible and should normally be typed on one side of the paper only,
- (3) where possible, be bound securely in a manner which would not hamper filing, or otherwise each page should be endorsed with the case number and should bear the initials of the witness,
- (4) have the pages numbered consecutively as a separate statement (or as one of several statements contained in a file),
- (5) be divided into numbered paragraphs,
- (6) have all numbers, including dates, expressed in figures,
- (7) give the reference to any document or documents mentioned either in the margin or in bold text in the body of the statement; and
- (8) be drafted in the witness’s own language.

4) In paragraph 20.1, for “that he believes” substitute “in their own language that they believe”.

20.1 A witness statement is the equivalent of the oral evidence which that witness would, if called, give in evidence; it must include a statement by the intended witness in their own language that they believe the facts in it are true.

5) In paragraph 20.2, in the wording of the statement of truth, at the end insert “I understand that proceedings for contempt of court may be brought against anyone who makes, or causes

to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.”

20.2 To verify a witness statement the statement of truth is as follows:

‘I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.’

6) In the words in parentheses after paragraph 20.3, after “the document” insert “other than by reason of language alone”.

20.3 Attention is drawn to rule 32.14 which sets out the consequences of verifying a witness statement containing a false statement without an honest belief in its truth.

(Paragraph 3A of Practice Direction 22 sets out the procedure to be followed where the person who should sign a document which is verified by a statement of truth is unable to read or sign the document other than by reason of language alone.)

7) For paragraph 23.2 substitute— “23.2 Where a witness statement is in a foreign language— (a) the party wishing to rely on it must— (i) have it translated; and (ii) file the foreign language witness statement with the court; and (b) the translator must sign the original statement and must certify that the translation is accurate.”

23.2 Where a witness statement is in a foreign language—

(a) the party wishing to rely on it must—

(i) have it translated; and

(ii) file the foreign language witness statement with the court; and

(b) the translator must sign the original statement and must certify that the translation is accurate.