

STATEMENTS OF TRUTH

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17.1 Interpretation

In this Part ‘statement of case’ has the meaning given to it in Part 4 except that a statement of case does not include an application for a matrimonial order or a civil partnership order or an answer to such an application.

(Rule 4.1 defines ‘statement of case’ for the purposes of Part 4.)

17.2 Documents to be verified by a statement of truth

- (1) Subject to paragraph (9), the following documents must be verified by a statement of truth –
 - (a) a statement of case;
 - (b) a witness statement;
 - (c) an acknowledgement of service in a claim begun by the Part 19 procedure;
 - (d) a certificate of service;
 - (e) a statement of arrangements for children;
 - (f) a statement of information filed under rule 9.26(1)(b); and
 - (g) any other document where a rule or practice direction requires it.
- (2) Where a statement of case is amended, the amendments must be verified by a statement of truth unless the court orders otherwise.
- (3) If an applicant wishes to rely on matters set out in the application form or application notice as evidence, the application form or notice must be verified by a statement of truth.
- (4) Subject to paragraph (5), a statement of truth is a statement that –
 - (a) the party putting forward the document;
 - (b) in the case of a witness statement, the maker of the witness statement; or
 - (c) in the case of a certificate of service, the person who signs the certificate, believes the facts stated in the document are true.
- (5) If a party is conducting proceedings with a litigation friend, the statement of truth in –
 - (a) a statement of case; or
 - (b) an application notice,

is a statement that the litigation friend believes the facts stated in the document being verified are true.

- (6)** The statement of truth must be signed by –
 - (a) in the case of a statement of case –
 - (i) the party or litigation friend; or
 - (ii) the legal representative on behalf of the party or litigation friend; and
 - (b) in the case of a witness statement or statement of arrangements for children, the maker of the statement.
- (7)** A statement of truth, which is not contained in the document which it verifies, must clearly identify that document.
- (8)** A statement of truth in a statement of case may be made by –
 - (a) a person who is not a party; or
 - (b) by two parties jointly, where this is permitted by a practice direction.
- (9)** An application that does not contain a statement of facts need not be verified by a statement of truth.

(Practice Direction 17A sets out the form of statement of truth.)

17.3 Failure to verify a statement of case

- (1)** If a party fails to verify that party's statement of case by a statement of truth –
 - (a) the statement of case shall remain effective unless struck out; but
 - (b) the party may not rely on the statement of case as evidence of any of the matters set out in it.
- (2)** The court may strike out^(GL) a statement of case which is not verified by a statement of truth.
- (3)** Any party may apply for an order under paragraph (2).

17.4 Failure to verify a witness statement

If the maker of a witness statement fails to verify the witness statement by a statement of truth, the court may direct that it shall not be admissible as evidence.

17.5 Power of the court to require a document to be verified

- (1)** The court may order a person who has failed to verify a document in accordance with rule 17.2 to verify the document.
- (2)** Any party may apply for an order under paragraph (1).

17.6 False statements

- (1)** Proceedings for contempt of court may be brought against a person 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)** Proceedings under this rule may be brought only –
 - (a) by the Attorney General; or
 - (b) with the permission of the court.

(3) This rule does not apply to proceedings in a magistrates' court.

