

PRACTICE DIRECTION – STATEMENTS OF TRUTH

THIS PRACTICE DIRECTION SUPPLEMENTS CPR PART 22

DOCUMENTS TO BE VERIFIED BY A STATEMENT OF TRUTH

- 1.1 Rule 22.1(1) sets out the documents which must be verified by a statement of truth. The documents include:
 - (1) a statement of case,
 - (2) a response complying with an order under rule 18.1 to provide further information, and
 - (3) a witness statement.
- 1.2 If an applicant wishes to rely on matters set out in his application notice as evidence, the application notice must be verified by a statement of truth¹.
- 1.3 An expert's report should also be verified by a statement of truth. For the form of the statement of truth verifying an expert's report (which differs from that set out below) see the practice direction which supplements Part 35.
- 1.4 In addition, a notice of objections to an account being taken by the court should be verified by a statement of truth unless verified by an affidavit or a witness statement².
- 1.5 The statement of truth may be contained in the document it verifies or it may be in a separate document served subsequently, in which case it must identify the document to which it relates.

FORM OF THE STATEMENT OF 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.'
- 2.2 The form of the statement of truth verifying a witness statement should be as follows:

'I believe that the facts stated in this witness statement are true.'
- 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

¹ See rule 22.1(3).

² See the Accounts and Enquiries practice direction supplementing Part 40 (judgments and orders).

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]'.

WHO MAY SIGN THE STATEMENT OF TRUTH

- 3.1 In a statement of case, a response or an application notice, the statement of truth must be signed by:
 - (1) the party or his litigation friend³, or
 - (2) the legal representative⁴ of the party or litigation friend.
- 3.2 A statement of truth verifying a witness statement must be signed by the witness.
- 3.3 A statement of truth verifying a notice of objections to an account must be signed by the objecting party or his legal representative.
- 3.4 Where a document is to be verified on behalf of a company or other corporation, subject to paragraph 3.7 below, the statement of truth must be signed by a person holding a senior position⁵ in the company or corporation. That person must state the office or position he holds.
- 3.5 Each of the following persons is a person holding a senior position:
 - (1) in respect of a registered company or corporation, a director, the treasurer, secretary, chief executive, manager or other officer of the company or corporation, and
 - (2) in respect of a corporation which is not a registered company, in addition to those persons set out in (1), the mayor, chairman, president or town clerk or other similar officer of the corporation.
- 3.6 Where the document is to be verified on behalf of a partnership, those who may sign the statement of truth are:
 - (1) any of the partners, or

³ See Part 21 (children and patients).

⁴ See rule 2.3 for the definition of legal representative.

⁵ See rule 6.4(4).

- (2) a person having the control or management of the partnership business.
- 3.7 Where a party is legally represented, the legal representative may sign the statement of truth on his behalf. The statement signed by the legal representative will refer to the client's belief, not his own. In signing he must state the capacity in which he signs and the name of his firm where appropriate.
- 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 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).
- 3.9 The individual who signs a statement of truth must print his full name clearly beneath his signature.
- 3.10 A legal representative who signs a statement of truth must sign in his own name and not that of his firm or employer.

CONSEQUENCES OF FAILURE TO VERIFY

- 4.1 If a statement of case is not verified by a statement of truth, the statement of case will remain effective unless it is struck out⁶, but a party may not rely on the contents of a statement of case as evidence until it has been verified by a statement of truth.
- 4.2 Any party may apply to the court for an order that unless within such period as the court may specify the statement of case is verified by the service of a statement of truth, the statement of case will be struck out.
- 4.3 The usual order for the costs of an application referred to in paragraph 4.2 will be that the costs be paid by the party who had failed to verify in any event and forthwith.

PENALTY

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

⁶ See rule 22.2(1).

