

# PART 22

## STATEMENTS OF TRUTH

### CONTENTS OF THIS PART

Documents to be verified by a statement of truth	Rule 22.1
Failure to verify a statement of case	Rule 22.2
Failure to verify a witness statement	Rule 22.3
Power of the court to require a document to be verified	Rule 22.4

### DOCUMENTS TO BE VERIFIED BY A STATEMENT OF TRUTH

- 22.1 | (1) The following documents must be verified by a statement of truth –
- (a) a statement of case;
  - (b) a response complying with an order under rule 18.1 to provide further information; and
  - (c) a witness statement.
- (2) Where a statement of case is amended, the amendments must be verified by a statement of truth unless the court orders otherwise.
- (Part 17 provides for amendments to statements of case)
- (3) 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 truth.
- (4) Subject to paragraph (5), a statement of truth is a statement that –
- (a) the party putting forward the document; or
  - (b) in the case of a witness statement, the maker of the witness statement,
- 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;
  - (b) a response; or
  - (c) 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, a response or an application –
    - (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, 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 relevant practice direction.

## FAILURE TO VERIFY A STATEMENT OF CASE

- 22.2 |
- (1) If a party fails to verify his 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<sup>(GL)</sup> a statement of case which is not verified by a statement of truth.
  - (3) Any party may apply for an order under paragraph (2).

## FAILURE TO VERIFY A WITNESS STATEMENT

- 22.3 |
- 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.

## POWER OF THE COURT TO REQUIRE A DOCUMENT TO BE VERIFIED

- 22.4 |
- (1) The court may order a person who has failed to verify a document in accordance with rule 22.1 to verify the document.
  - (2) Any party may apply for an order under paragraph (1).