

PART 16

WRITTEN WITNESS STATEMENTS

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**When this Part applies**

**16.1.** This Part applies where a party wants to introduce a written witness statement in evidence under section 9 of the Criminal Justice Act 1967(a).

*[Note. Under section 9 of the Criminal Justice Act 1967, if the conditions specified in that section are met, the written statement of a witness is admissible in evidence to the same extent as if that witness gave evidence in person.]*

**Content of written witness statement**

**16.2.** The statement must contain—

- (a) at the beginning—
  - (i) the witness’ name, and
  - (ii) the witness’ age, if under 18;
- (b) a declaration by the witness that—
  - (i) it is true to the best of the witness’ knowledge and belief, and
  - (ii) the witness knows that if it is introduced in evidence, then it would be an offence wilfully to have stated in it anything that the witness knew to be false or did not believe to be true;
- (c) if the witness cannot read the statement, a signed declaration by someone else that that person read it to the witness; and
- (d) the witness’ signature.

*[Note. The Practice Direction sets out a form of written statement for use in connection with this rule.]*

**Reference to exhibit**

**16.3.** Where the statement refers to a document or object as an exhibit, it must identify that document or object clearly.

*[Note. See section 9(7) of the Criminal Justice Act 1967(b).]*

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(a) 1967 c. 80; section 9 was amended by section 56 of, and paragraph 49 of Schedule 8 to, the Courts Act 1971 (c. 23), section 168 of, and paragraph 6 of Schedule 9 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 69 of the Criminal Procedure and Investigations Act 1996 (c. 25), regulation 9 of, and paragraph 4 of Schedule 5 to, S.I. 2001/1090, paragraph 43 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44), section 26 of, and paragraph 7 of Schedule 2 to, the Armed Forces Act 2011 (c. 18) and section 80 of the Deregulation Act 2015 (c. 20). It is further amended by section 72 of, and paragraph 55 of Schedule 5 to, the Children and Young Persons Act 1969 (c. 54) and section 65 of, and paragraph 1 of Schedule 4 to, the Courts Act 2003 (c. 39), with effect from dates to be appointed.

(b) 1967 c. 80.

**Written witness statement in evidence**

- 16.4.**—(1) A party who wants to introduce in evidence a written witness statement must—
- (a) before the hearing at which that party wants to introduce it, serve a copy of the statement on—
    - (i) the court officer, and
    - (ii) each other party; and
  - (b) at or before that hearing, serve on the court officer the statement or an authenticated copy.
- (2) If that party relies on only part of the statement, that party must mark the copy in such a way as to make that clear.
- (3) A prosecutor must serve on a defendant, with the copy of the statement, a notice—
- (a) of the right to object to the introduction of the statement in evidence instead of the witness giving evidence in person;
  - (b) of the time limit for objecting under this rule; and
  - (c) that if the defendant does not object in time, the court—
    - (i) can nonetheless require the witness to give evidence in person, but
    - (ii) may decide not to do so.
- (4) A party served with a written witness statement who objects to its introduction in evidence must—
- (a) serve notice of the objection on—
    - (i) the party who served it, and
    - (ii) the court officer; and
  - (b) serve the notice of objection not more than 7 days after service of the statement unless—
    - (i) the court extends that time limit, before or after the statement was served,
    - (ii) rule 24.8 (Written guilty plea: special rules) applies, in which case the time limit is the later of 7 days after service of the statement or 7 days before the hearing date, or
    - (iii) rule 24.9 (Single justice procedure: special rules) applies, in which case the time limit is 21 days after service of the statement.
- (5) The court may exercise its power to require the witness to give evidence in person—
- (a) on application by any party; or
  - (b) on its own initiative.
- (6) A party entitled to receive a copy of a statement may waive that entitlement by so informing—
- (a) the party who would have served it; and
  - (b) the court.

*[Note. The Practice Direction sets out a form of written witness statement and a form of notice for use in connection with this rule.]*

*Under section 9(2A) of the Criminal Justice Act 1967(a), Criminal Procedure Rules may prescribe the period within which a party served with a written witness statement must object to its introduction in evidence, subject to a minimum period of 7 days from its service.*

*Under section 133 of the Criminal Justice Act 2003(b), where a statement in a document is admissible as evidence in criminal proceedings, the statement may be proved by producing either (a) the document, or (b) (whether or not the document exists) a copy of the document or of the*

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(a) 1967 c. 80; section 9(2A) was inserted by section 80 of the Deregulation Act 2015 (c. 20).

(b) 2003 c. 44.

*material part of it, authenticated in whatever way the court may approve. By section 134 of the 2003 Act, 'document' means anything in which information of any description is recorded.]*