

# 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

- (a) an application for a matrimonial or a civil partnership order or an answer to such an application;
- (b) an application under Article 56 of the Maintenance Regulation made on the form in Annex VI or VII to that Regulation.

(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<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).

### **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.

