

Changes to Statements of Truth and Witness Statements

With all the recent amendments to the CPR in response to the COVID-19 pandemic, it would be easy to overlook the significant changes introduced on 6th April by the 113th update.

A statement, and its statement of truth, must now be written in the witness's own language (PD22 paras 2.2 & 2.4; PD32 paras 18.1 & 19.1). All statements must describe the process by which they have been prepared (face-to-face, by telephone, through an interpreter, etc.). It is no longer acceptable to draft the statement in English and then rely on a certificate from an authorised person under PD22 para 3A (inability to read/sign). Instead, a certified translation of the foreign-language statement will need to be obtained (PD32 para 23.2).

The change to PD22 para 3A applies equally to statements of case. This may well result in these documents being signed by the legal representative rather than the client, with the onus on the representative to ensure that the document is adequately explained, using an interpreter where appropriate.

Another significant change is the addition of these words to the statement of truth: *“I understand that proceedings for contempt of court may be brought against anyone 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”*. It is clearly intended to give the party pause for thought. It is a little odd that it is not altered in the case of signature by a representative (*“The [party] understands that”* or *“I have explained to the [party] that”*, for example).

You may think that the requirement imposed by the new PD 22 para 2.5 (statement of truth to be dated with the date on which it was signed) is so obvious that it doesn't need saying, but this provision may be intended to stop the practice of asking the client to sign a 'blank' signature page and then deploy it later in the proceedings.

For those who deal with credit hire, also note the new PD 16 para 6.3, which requires the claimant to plead relevant facts and matters in relation to need, period, rate, reasonableness and impecuniosity.