
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 32
EVIDENCE

Modifications etc. (not altering text)

- C1** Pt. 32 applied (1.11.2009) by [The Water Industry \(Special Administration\) Rules 2009](#) (S.I. 2009/2477), rules 2, **75**
- C2** Pt. 32 applied (30.6.2011) by [The Investment Bank Special Administration \(England and Wales\) Rules 2011](#) (S.I. 2011/1301), rules 2, **225(4)** (with rule 5)
- C3** Pt. 32 applied (31.1.2014) by [The Postal Administration Rules 2013](#) (S.I. 2013/3208), rules 1, **130(3)** (with rules 3, 210)
- C4** Pt. 32 applied (6.4.2017) by [The Insolvency \(England and Wales\) Rules 2016](#) (S.I. 2016/1024), rules 1, **12.1(3)** (with rule 3(3), Sch. 2)
- C5** Pt. 32 applied (5.7.2018) by [The Housing Administration \(England and Wales\) Rules 2018](#) (S.I. 2018/719), rules 1.1, **4.1(3)** (with rule 1.2)
- C6** Pt. 32 applied (31.1.2019) by [The Education Administration Rules 2018](#) (S.I. 2018/1135), rules 1, **4.1(3)** (with rule 1.2)
- C7** Pt. 32 applied (12.11.2021) by [The Payment and Electronic Money Institution Insolvency \(England and Wales\) Rules 2021](#) (S.I. 2021/1178), rules 2, **187(4)**

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*Changes to legislation: There are currently no known outstanding effects for the
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Power of court to control evidence

32.1.—(1) The court may control the evidence by giving directions as to—

- (a) the issues on which it requires evidence;
- (b) the nature of the evidence which it requires to decide those issues; and
- (c) the way in which the evidence is to be placed before the court.

(2) The court may use its power under this rule to exclude evidence that would otherwise be admissible.

(3) The court may limit cross-examination^(GL).

Commencement Information

II [Rule 32.1](#) in force at 26.4.1999, see [Signature](#)

Evidence of witnesses—general rule

32.2.—(1) The general rule is that any fact which needs to be proved by the evidence of witnesses is to be proved—

- (a) at trial, by their oral evidence given in public; and
- (b) at any other hearing, by their evidence in writing.

(2) This is subject—

- (a) to any provision to the contrary contained in these Rules or elsewhere; or
- (b) to any order of the court.

[^{F1}(3) The court may give directions—

- (a) identifying or limiting the issues to which factual evidence may be directed;
- (b) identifying the witnesses who may be called or whose evidence may be read; or
- (c) limiting the length or format of witness statements.]

Textual Amendments

- F1** Rule 32.2(3) inserted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, 12 (with rule 22)

Commencement Information

- I2** Rule 32.2 in force at 26.4.1999, see [Signature](#)

Evidence by video link or other means

32.3 The court may allow a witness to give evidence through a video link or by other means.

Commencement Information

- I3** Rule 32.3 in force at 26.4.1999, see [Signature](#)

Requirement to serve witness statements for use at trial

32.4.—(1) A witness statement is a written statement signed by a person which contains the evidence which that person would be allowed to give orally.

(2) The court will order a party to serve on the other parties any witness statement of the oral evidence which the party serving the statement intends to rely on in relation to any issues of fact to be decided at the trial.

(3) The court may give directions as to—

- (a) the order in which witness statements are to be served; and
- (b) whether or not the witness statements are to be filed.

Commencement Information

- I4** Rule 32.4 in force at 26.4.1999, see [Signature](#)

Use at trial of witness statements which have been served

32.5.—(1) If—

- (a) a party has served a witness statement; and
- (b) he wishes to rely at trial on the evidence of the witness who made the statement,

he must call the witness to give oral evidence unless the court orders otherwise or he puts the statement in as hearsay evidence.

(Part 33 contains provisions about hearsay evidence)

(2) Where a witness is called to give oral evidence under paragraph (1), his witness statement shall stand as his evidence in chief^(GL) unless the court orders otherwise.

(3) A witness giving oral evidence at trial may with the permission of the court—

- (a) amplify his witness statement; and
- (b) give evidence in relation to new matters which have arisen since the witness statement was served on the other parties.

Status: Point in time view as at 12/11/2021.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 32. (See end of Document for details)

(4) The court will give permission under paragraph (3) only if it considers that there is good reason not to confine the evidence of the witness to the contents of his witness statement.

(5) If a party who has served a witness statement does not—

- (a) call the witness to give evidence at trial; or
- (b) put the witness statement in as hearsay evidence,

any other party may put the witness statement in as hearsay evidence.

Commencement Information

I5 Rule 32.5 in force at 26.4.1999, see [Signature](#)

Evidence in proceedings other than at trial

32.6.—(1) Subject to paragraph (2), the general rule is that evidence at hearings other than the trial is to be by witness statement unless the court, a practice direction or any other enactment requires otherwise.

(2) At hearings other than the trial, a party may ^{F2}... rely on the matters set out in—

- (a) his statement of case; or
- (b) his application notice,

if the statement of case or application notice is verified by a statement of truth.

Textual Amendments

F2 Words in rule 32.6(2) omitted (2.5.2000) by virtue of [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **17**

Commencement Information

I6 Rule 32.6 in force at 26.4.1999, see [Signature](#)

Order for cross-examination

32.7.—(1) Where, at a hearing other than the trial, evidence is given in writing, any party may apply to the court for permission to cross-examine the person giving the evidence.

(2) If the court gives permission under paragraph (1) but the person in question does not attend as required by the order, his evidence may not be used unless the court gives permission.

^{F3}

Textual Amendments

F3 Words in rule 32.7 omitted (31.12.2020) by virtue of [The Civil Procedure Rules 1998 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/521\)](#), regs. 1(1), **11(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I7 Rule 32.7 in force at 26.4.1999, see [Signature](#)

Form of witness statement

32.8 A witness statement must comply with the requirements set out in [F4Practice Direction 32].
(Part 22 requires a witness statement to be verified by a statement of truth)

Textual Amendments

F4 Words in [rule 32.8](#) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), [rules 1\(2\)](#), [16](#)

Commencement Information

I8 [Rule 32.8](#) in force at 26.4.1999, see [Signature](#)

Witness summaries

32.9.—(1) A party who—

- (a) is required to serve a witness statement for use at trial; but
- (b) is unable to obtain one,

may apply, without notice, for permission to serve a witness summary instead.

(2) A witness summary is a summary of—

- (a) the evidence, if known, which would otherwise be included in a witness statement; or
- (b) if the evidence is not known, the matters about which the party serving the witness summary proposes to question the witness.

(3) Unless the court orders otherwise, a witness summary must include the name and address of the intended witness.

(4) Unless the court orders otherwise, a witness summary must be served within the period in which a witness statement would have had to be served.

(5) Where a party serves a witness summary, so far as practicable [rules 32.4](#) (requirement to serve witness statements for use at trial), [32.5\(3\)](#) (amplifying witness statements), and [32.8](#) (form of witness statement) shall apply to the summary.

Commencement Information

I9 [Rule 32.9](#) in force at 26.4.1999, see [Signature](#)

Consequence of failure to serve witness statement or summary

32.10 If a witness statement or a witness summary for use at trial is not served in respect of an intended witness within the time specified by the court, then the witness may not be called to give oral evidence unless the court gives permission.

Commencement Information

I10 [Rule 32.10](#) in force at 26.4.1999, see [Signature](#)

Status: Point in time view as at 12/11/2021.

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Cross-examination on a witness statement

32.11 Where a witness is called to give evidence at trial, he may be cross-examined on his witness statement whether or not the statement or any part of it was referred to during the witness's evidence in chief^(GL).

Commencement Information

I11 Rule 32.11 in force at 26.4.1999, see [Signature](#)

Use of witness statements for other purposes

32.12.—(1) Except as provided by this rule, a witness statement may be used only for the purpose of the proceedings in which it is served.

(2) Paragraph (1) does not apply if and to the extent that—

- (a) the witness gives consent in writing to some other use of it;
- (b) the court gives permission for some other use; or
- (c) the witness statement has been put in evidence at a hearing held in public.

[^{F5}(3) This rule applies to affidavits in the same way as it applies to witness statements.]

Textual Amendments

F5 Rule 32.12(3) inserted (6.4.2021) by [The Civil Procedure \(Amendment\) Rules 2021 \(S.I. 2021/117\)](#), rules 1(1), **8(1)**

Commencement Information

I12 Rule 32.12 in force at 26.4.1999, see [Signature](#)

Availability of witness statements for inspection

32.13.—(1) A witness statement which stands as evidence in chief^(GL) is open to inspection [^{F6}during the course of the trial unless the court otherwise directs].

(2) Any person may ask for a direction that a witness statement is not open to inspection.

(3) The court will not make a direction under paragraph (2) unless it is satisfied that a witness statement should not be open to inspection because of—

- (a) the interests of justice;
- (b) the public interest;
- (c) the nature of any expert medical evidence in the statement;
- (d) the nature of any confidential information (including information relating to personal financial matters) in the statement; or
- (e) the need to protect the interests of any child or [^{F7}protected party].

(4) The court may exclude from inspection words or passages in the statement.

Textual Amendments

- F6** Words in rule 32.13(1) substituted (26.3.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(a), **12**
- F7** Words in rule 32.13(3)(e) substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **10**

Commencement Information

- I13** [Rule 32.13](#) in force at 26.4.1999, see [Signature](#)

[^{F8}False statements

32.14 Proceedings for contempt of court may be brought against a person who makes or causes to be made a false statement in a document, prepared in anticipation of or during proceedings and verified by a statement of truth, without an honest belief in its truth.

(Part 22 makes provision for statements of truth.)

(Part 81 contains provisions in relation to proceedings for contempt of court.)]

Textual Amendments

- F8** [Rule 32.14](#) substituted (1.10.2020) by [The Civil Procedure \(Amendment No. 3\) Rules 2020 \(S.I. 2020/747\)](#), rules 1(1), **8**

Affidavit evidence

32.15.—(1) Evidence must be given by affidavit^(GL) instead of or in addition to a witness statement if this is required by the court, a provision contained in any other rule, a practice direction or any other enactment.

(2) Nothing in these Rules prevents a witness giving evidence by affidavit^(GL) at a hearing other than the trial if he chooses to do so in a case where paragraph (1) does not apply, but the party putting forward the affidavit^(GL) may not recover the additional cost of making it from any other party unless the court orders otherwise.

[^{F9}(Rule 32.12 makes provision about the use of affidavits for purposes other than the proceedings in which they are served.)]

Textual Amendments

- F9** Words in rule 32.15 inserted (6.4.2021) by [The Civil Procedure \(Amendment\) Rules 2021 \(S.I. 2021/117\)](#), rules 1(1), **8(2)**

Commencement Information

- I14** [Rule 32.15](#) in force at 26.4.1999, see [Signature](#)

Form of affidavits

32.16 An affidavit^(GL) must comply with the requirements set out in [^{F10}Practice Direction 32].

Status: Point in time view as at 12/11/2021.

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Textual Amendments

F10 Words in [rule 32.16](#) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), [rules 1\(2\), 16](#)

Commencement Information

I15 [Rule 32.16](#) in force at 26.4.1999, see [Signature](#)

Affidavit made outside the jurisdiction

32.17 A person may make an affidavit^(GL) outside the jurisdiction in accordance with—

- (a) this Part; or
- (b) the law of the place where he makes the affidavit^(GL).

Commencement Information

I16 [Rule 32.17](#) in force at 26.4.1999, see [Signature](#)

Notice to admit facts

32.18.—(1) A party may serve notice on another party requiring him to admit the facts, or the part of the case of the serving party, specified in the notice.

(2) A notice to admit facts must be served no later than 21 days before the trial.

(3) Where the other party makes any admission in response to the notice, the admission may be used against him only—

- (a) in the proceedings in which the notice to admit is served; and
- (b) by the party who served the notice.

(4) The court may allow a party to amend or withdraw any admission made by him on such terms as it thinks just.

Commencement Information

I17 [Rule 32.18](#) in force at 26.4.1999, see [Signature](#)

Notice to admit or produce documents

32.19.—(1) A party shall be deemed to admit the authenticity of a document disclosed to him under Part 31 (disclosure and inspection of documents) unless he serves notice that he wishes the document to be proved at trial.

(2) A notice to prove a document must be served—

- (a) by the latest date for serving witness statements; or
- (b) within 7 days of disclosure of the document,

whichever is later.

Commencement Information

I18 [Rule 32.19](#) in force at 26.4.1999, see [Signature](#)

[^{F11}Notarial acts and instruments

32.20 A notarial act or instrument may be received in evidence without further proof as duly authenticated in accordance with the requirements of law unless the contrary is proved.]

Textual Amendments

F11 [Rule 32.20](#) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **36**

Status:

Point in time view as at 12/11/2021.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 32.