

STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 17

STATEMENTS OF TRUTH

[^{F1} Interpretation

17.1.—[^{F2}(1)] 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[^{F3}];

[^{F4}(c) an application under Article 10 of the 2007 Hague Convention using the Financial Circumstances Form.]

[^{F5}(2) In this rule, “Financial Circumstances Form” has the meaning given to it in rule 9.3(1).]

(Rule 4.1 defines “statement of case” for the purposes of Part 4.)]

Textual Amendments

- F1** Rule 17.1 substituted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **14**
- F2** Rule 17.1 renumbered as rule 17.1(1) (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **14(a)**
- F3** Rule 17.1(b): semicolon substituted for full stop (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **14(b)**
- F4** Rule 17.1(c) inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **14(c)**
- F5** Rule 17.1(2) inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **14(d)**

Documents to be verified by a statement of truth

17.2.—(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;

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^{F6}(e)

(f) a statement of information filed under rule 9.26(1)(b); and

(g) any other document where a [^{F7}court order,] 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) [^{F8}Subject to paragraph (10), 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 ^{F9}..., 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.)

[^{F10}(10) Notwithstanding paragraph (3), and subject to any direction given under rule 9.14(2A) or rule 9.19(2A), the court may permit a party to rely upon matters set out in an application form which has not been verified by a statement of truth as evidence where the application has been made under—

(a) Article 56 of the Maintenance Regulation on the form in Annex VI or VII to that Regulation; or

(b) Article 10 of the 2007 Hague Convention on an Article 11 form.]

Textual Amendments

F6 Rule 17.2(1)(e) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/843\)](#), [rules 1](#), [43\(a\)](#)

- F7** Words in rule 17.2(1)(g) inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **15(a)**
- F8** Words in rule 17.2(3) substituted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **15(b)**
- F9** Words in rule 17.2(6)(b) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/843\)](#), rules 1, **43(b)**
- F10** [Rule 17.2\(10\)](#) inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **15(c)**

Failure to verify a statement of case

- 17.3.**—(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^(GL) 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

17.4. 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

- 17.5.**—(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).

False statements

- 17.6.**—(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.
- ^{F11}(3)

Textual Amendments

F11 Rule 17.6(3) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **63** (with rule 137); S.I. 2014/954, **art. 2**

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Family Procedure Rules 2010, PART 17.