
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 27

WITNESS STATEMENTS

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When this Part applies

27.1. This Part applies where a party wants to introduce a written statement in evidence under section 9 of the Criminal Justice Act 1967(1).

[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 statement

27.2. 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

(1) 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 69 of the Criminal Procedure and Investigations Act 1996 (c. 25), section 168 of, and paragraph 6 of Schedule 9 to, the Criminal Justice and Public Order Act 1994 (c. 33) and regulation 9 of, and paragraph 4 of Schedule 5 to S.I. 2001/1090. It is amended by section 72 of, and paragraph 55 of Schedule 5 to, the Children and Young Persons Act 1969 (c. 54), section 65, and paragraph 1 of Schedule 4 to, the Courts Act 2003 (c. 39) and sections 41 and 332 of, and paragraph 43 of Schedule 3 and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

- (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

27.3. Where the statement refers to a document or object as an exhibit—

- (a) the statement must contain such a description of that exhibit as to identify it clearly; and
- (b) the exhibit must be labelled or marked correspondingly, and the label or mark signed by the maker of the statement.

Written statement in evidence

27.4.—(1) A party who wants to introduce in evidence a written statement must—

- (a) before the hearing at which that party wants to do so, serve a copy of the statement on—
 - (i) the court officer, and
 - (ii) each other party; and
 - (b) at or before that hearing, serve the statement itself on the court officer.
- (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 within 7 days of service to object to the introduction of the statement in evidence instead of the witness giving evidence in person; and
 - (b) 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) 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.
- (5) 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 notice for use in connection with this rule.]