

Guidance Note: Witness Statement

What is a witness statement?

- A witness statement is a signed statement setting out the evidence a witness will give a trial.
- A witness statement contains the witness' factual account of the circumstances of the dispute.
- A witness statement should usually contain no or little commentary based on opinion.
- Witness statements are exchanged prior to trial, the purpose being to provide each side with the written evidence, which will support their respective cases.
- In general, the statement should only contain information on what the witness saw, and not what others have said to him/her. However, it is important to record anything that may open up a new line of enquiry or help in corroborating other information.

Drafting the statement

- It is essential that your witness statement is as comprehensive as possible as witness statements are a crucial part of the party's case.
- It is improper for a witness to be coached or trained about the evidence to be provided.
- You should ask for any supporting documents they might have to support their statement, such as letters, emails, notes etc.)

- Although you can draft the statement it must be the witnesses own words.
- They must sign and date the statement.

Statement of Truth

- Witness statements must be verified by a statement of truth. In a witness statement, the statement of truth appears at the end of the document and is a statement that the party making the statement believes the facts stated in the witness statement to be true.
- If someone signs a statement of truth, which contains false statement without an honest belief in the truth of the statement, they will be in contempt of court and proceedings may be bought against them.

Further supplemental statement

- Once exchange of witness statements has taken place it may be necessary for them to give a supplemental witness statement. For example having read the other party's witness statements, it may become apparent that there are issues addressed which you may want to respond to and comment on if you have not already done so in your main witness statement.

Statements in court

- A witness statement itself will usually be used instead of 'examination-in-chief', which is the questioning of a witness in court on behalf of the party who called the witness. However all parties are entitled to ask questions of the witness about their statement.