

BATES WELLS & BRAITHWAITE'S

GUIDE TO STATEMENTS OF TRUTH



About this guide

This guide seeks to answer some of the most frequently asked questions about Statements of Truth and Affidavits.

What is a Statement of Truth?

A statement of truth is a statement signed by a party or his legal representative to verify that the contents of the document referred to are true. It will usually appear at the end of the document being verified. Attention is drawn to the consequences of signing a false statement of truth (set out below). The statement of truth should be in the following form:

“[I believe]/[the [*Claimant/Defendant*] believes] that the facts stated in this [*name of document being verified*] are true”

In respect of a Witness Statement, the statement of truth should be:

“I believe that the facts stated in this Witness Statement are true”

Which documents must contain a Statement of Truth?

A Claim Form, Particulars of Claim, Defence (or any other statement of case), an Application

Notice, Witness Statements, Experts' Reports, Disclosure Lists and otherwise as the Court may order.

Who may sign a Statement of Truth?

Many documents may be signed by the party's legal representative, but a disclosure statement (which confirms that a party has understood and complied with his obligations to disclose documents) must be signed by the party or, for a company, an appropriate individual within it. Only the person making a witness statement can sign the statement of truth.

Where a document is to be verified on behalf of a company or other corporation, the statement of truth should be signed by a person holding a senior position. That person must state the office or position he holds. Each of the following persons is a person who holds a senior position in respect of a registered company or corporation; a director, the treasurer, the company secretary, the chief executive, a manager or other officer of the company or corporation.

The Court would expect the person signing the statement of truth to have personal knowledge of the content of the document or to be responsible for managing those who have knowledge of the content.

Where some or all of the trustees comprise a single party, one, some or all of the trustees comprising the party may sign a statement of truth.

An agent who manages property or investments for the party cannot sign a statement of truth. It must be signed by the party or by the legal representative of the party.

If an insurer has a financial interest in a claim involving its insured then, if the insured is the party, the insurer may sign a statement of truth in a statement of case for the insured party.

What happens if the document has not been signed with a Statement of Truth?

If any statement of case is not verified by a statement of truth, the statement of case will remain effective unless it is struck out by an Order of the Court, but a party may not rely on the contents of a statement of case as evidence until it has been verified by a statement of truth. If a Witness Statement is not signed with a statement of truth, the Court may direct that it shall not be admissible as evidence.

What are the consequences of signing a false Statement of Truth?

In certain circumstances, a false statement made in a document verified by a statement of truth may lead to liability for contempt of Court. Proceedings for contempt of Court may be brought against a person if he makes, or causes to be made, a false statement without an honest belief in its truth. Contempt of Court may be punishable by a fine and/or imprisonment and/or the sequestration of assets.

Affidavits

Historically, many documents that are now verified with a Statement of Truth used to be in the form of a sworn Affidavit. The main difference between them is that those verified by way of a statement

of truth in a witness statement do not have to be witnessed, whereas an Affidavit has to be sworn before a solicitor/commissioner for oaths. The person swearing the Affidavit would have to swear on the Bible or affirm that the contents of the Affidavit and any documents exhibited thereto are true. Affidavits are still required to be sworn in certain circumstances, including in applications for freezing injunctions and search orders, and in committal proceedings. Swearing an Affidavit without an honest belief in its truth will have the same consequences as signing a false Statement of Truth.

About us

If you have any questions about this guide or any other matters please do not hesitate to contact one of the following members of our Dispute Resolution Group at disputeresolution@bwbllp.com or

| | |
|-----------------|--|
| Malcolm Robson | m.robson@bwbllp.com |
| Rob Oakley | r.oakley@bwbllp.com |
| Alex de Jongh | a.dejongh@bwbllp.com |
| Jennie Anderton | j.anderton@bwbllp.com |

Bates Wells & Braithwaite London LLP

2-6 Cannon Street
London EC4M 6YH
DX 42609 Cheapside 1

T: +44(0)20 7551 7777
F: +44(0)20 7551 7800
E: mail@bwbllp.com

© Bates Wells & Braithwaite London LLP

The information in this guide is of a general nature and should not be relied on in place of legal advice appropriate to your circumstances.

[Click here for other guides in this series.](#)

Bates Wells & Braithwaite London LLP is a Limited Liability Partnership.
Registered in London OC325522.
Regulated by the Solicitors Regulation Authority and authorised by
the Financial Services Authority.