

1.2

If an applicant wishes to rely on matters set out in his application notice as evidence, the application notice must be verified by a statement of truth.

1.5

The statement of truth may be contained in the document it verifies or it may be in a separate document served subsequently, in which case it must identify the document to which it relates.

Form of the Statement of Truth: -

2.1

The form of the statement of truth verifying a statement of case, a response, an application notice or a notice of objections should be as follows:

‘[I believe] [the (claimant or as may be) believes] that the facts stated in this [name document being verified] are true.’

2.2

The form of the statement of truth verifying a witness statement should be as follows:

‘I believe that the facts stated in this witness statement are true.’

2.3

Where the statement of truth is contained in a separate document, the document containing the statement of truth must be headed with the title of the proceedings and the claim number. The document being verified should be identified in the statement of truth as follows:

(3) Statement of case: ‘the [defence or as may be] served on the [name of party] on [date]’,

(4) Application notice: ‘the application notice issued on [date] for [set out the remedy sought]’,

(5) Witness statement: ‘the witness statement filed on [date] or served on [party] on [date]’.

Who may Sign the Statement of Truth?

3.1

In a statement of case, a response or an application notice, the statement of truth must be signed by:

(1) The party or his litigation friend, or

(2) The legal representative of the party or litigation friend.

3.2

A statement of truth verifying a witness statement must be signed by the witness.

In-house legal representatives: -

Legal representative is defined in rule 2.3(1). A legal representative employed by a party may sign a statement of truth. However, a person who is not a solicitor, barrister or other authorised litigator, but who is employed by the company and is managed by such a person is not employed by that person and so cannot sign a statement of truth. (This is unlike the employee of a solicitor in private practice that would come within the definition of legal representative.)

However, such a person, may be a manager and able to sign the statement on behalf of the company in that capacity.

Inability to persons to read or sign documents to be verified by a statement of truth: -

3A.1

Where a document containing a statement of truth is to be signed by a person who is unable to read or sign the document, it must contain a certificate made by an authorised person.

Consequences of failure to verify: -

4.1