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Section 9 witness statement template

Who can witness a witness statement.

Bullying Witness Statement Template

This report **MUST** be completed when there is a witness to an incident of alleged bullying (for the purpose of this form, bullying encompasses bullying, harassment, and discrimination.) One form must be completed for each witness. All witness statements that relate to one incident should be attached to the Bullying Complaint Report Form.

WITNESS NAME (last, first)	WITNESS TITLE (ex. Parent, Student, or	INTERVIEW DATE
VICTIM NAME (last, first)		
ACCUSED NAME (last, first)		
SCHOOL SITE (where incident occurred)	SCHOOL TELEPHONE:	
PRINCIPAL:	INCIDENT DATE:	

Describe the location where the incident took place:
Description of incident witnessed
List any other witness names and grade
List evidence of bullying (i.e. letters, photos, etc. – attach evidence if possible):

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature of witness _____ Date _____

What is a witness statement. What is a section 9 witness statement. What should a witness statement include. Witness statement example.

When you have to make a witness statement for court, you can avoid slip-ups. Slip ups in witness statements make your life harder. They force you to take steps to defend what you say in court. That might be avoidable. Getting it right the first time has other advantages. Avoiding mistakes gets you into a position to focus on advancing your own case. Structure your witness statements properly and cover what needs to be covered. Below, we give some suggestions on how to prepare witness statements. We also give the low down on some of the processes that courts are likely to go through to assess and verify what you say in your witness statement. We've also included a template witness statement below to get you started. What are witness statements? Witness statements are formal court documents. They're made by witnesses to. Witness statements are the main way courts receive evidence. They may be made for the purposes of supporting an application for interim relief (such as an injunction) or relied on at the trial in court disputes. They have the same general form in civil proceedings in England, whether they are used in disputes relating to contracts, work, car accidents, or disciplinary proceedings. It's important to get right the first time (or as right as possible), because when they are signed, they're supported by a statement of truth. First, the basics. Then we show how witness statements are tested and challenged. Contents of witness statements Overview If you are making a witness statement it should be written in your own words, in the first person. State facts within your personal knowledge, and if not specify the source of the information or belief is not within your direct knowledge. Do not give opinions, unless you're an expert. Exhibit documentary evidence to support the statements made. Follow the chronological order of events. Use numbered paragraphs so that different parts of it can be referred to quickly and easily. It should include all the evidence that you are able to give to assist the court decide the case. More on this later under the heading, "Testing your Witness Statement". Format wise, statements should be printed on a single side of A4 paper, and have a left margin of 35 mm. (We've been using 20 mm margins for years, and have never been criticised for it). The conclusions and opinions that I come to below is sourced from a wide variety of disputes in civil proceedings. I don't pretend that there is only one way to draft a witness statement. Each witness statement will depend upon the circumstances in which it is required. What is clear is that you need to think through what you say. Your witness statement, and the corroboration that you can use to support what you say.

*** Form must be submitted in person to Law Enforcement Officer of Rockaway Township Police ***
This statement is unofficial unless the Rockaway Township Police Department affixes Official seal to this copy.

Case Information	
Incident Report Number:	Statement Date:
Witness Name:	Witness Address:
Day Phone Number:	Evening Phone Number:
Statement taken at:	
Statement witnessed by:	

Statement Section	
I, _____ Name _____ of _____ Street Address _____	
City _____ State _____ Zip _____	
I solemnly affirm the following fact(s)/statement to the above incident and wish to have it made part of the official record of the incident:	
<div></div>	
The undersigned witness does solemnly give this statement knowing that a person commits a crime of the fourth degree if he/she makes a written false statement which he/she does not believe to be true, on or for pursuant to a form bearing notice, authorized by law, to the effect that false statements therein are punishable according to N.J.S. 2C:28-9.	
Signature of Person Making Statement _____	Signature must be witnessed by Officer _____

It will give you more credibility and make it harder to criticise what you say in your witness statement. There are at least two ways that you can prove what you say. You can produce evidence that directly supports what you say. For instance, if you say a company exists, you would exhibit a page from the relevant Register of Companies in your statement, from here; or produce evidence which tends to show what you say is true. Let's say you wanted to prove that you were in a particular place at particular time. You could produce credit card statements showing that you bought something from a shop near the venue, or a WhatsApp conversation which shows communications with the person you were about to meet, that you were running late. When are witness statements used? Witness statements are a fundamental tool in the civil justice system. There are only 3 ways to for the court to receive evidence. [dilatacion superficial ejercicios resueltos](#) Witness statements (and affidavits with them), oral evidence (in cross-examination and re-examination) and by judicial notice. Courts use the evidence filed to decide issues at the trial. The trial takes place after all of the preparation has been completed. All of the parties, their witnesses, their experts (if any) come to court for the dispute to be heard and decided by the judge. At the trial, the witness statements prepared for the trial will almost always include "lay witness statements" (lay evidence). Lay evidence is just evidence which is not expert evidence. Expert evidence is given in the form of witness statements by people specially qualified to assist the court decide technical issues. Experts in a case could include IT experts, doctors, engineers, quantity surveyors or mechanics. They are qualified to give opinions in the areas of their expertise. In interim applications: when an application is filed, the application notice (called a notice of motion in some countries) is supported by evidence. This is known as "evidence in support". Evidence may be made up of one or more witness statements. The evidence that a party files in response to the evidence in support is known as the "evidence in response". After that, the party filing the application notice has a further opportunity to file evidence, to respond to the evidence in response. [biblia lakatu fu ya katoliki.pdf](#) This is known as "evidence in reply", and sometimes "evidence in answer". Typical interim applications include: The form of witness statements First page: Case Title Witness statements have a prescribed form. Witness statement should set this information out on the first page: the title of the proceedings, the name of the person making the statement, the party to the proceedings on whose behalf the statement was made, the exhibits made in conjunction with the witness statement, the date it was made, the number of witness statement of the witness making the witness statement. The case title makes it clear on the first page the legal proceedings witness statement is made for, and who made it. Section: Identifying yourself Following the case title comes a statement identifying the deponent - the person signing the witness statement. It has a prescribed form: "I, [name], [occupation], of [address] will say as follows: "If the witness statement is made in a business capacity, the address should be your work address. Otherwise it is your home address. If you are unemployed or retired, those words replace the space provided for the "occupation" of the person. Why does it say, "will say as follows"? Aren't I saying it now, when I sign it? Good question. Court procedure in England changed in about 2000. Prior to that, witness statements were not prepared before the trial. The witnesses just showed up and gave oral testimony in person. That would be the first the other party ever heard what the witness would say. Each party had their own witnesses which they would call to court to give evidence in their favour. Their oral testimony for the party that calls them is known as their "evidence in chief". After they gave their evidence in chief, the opposing party would then have an opportunity to cross-examine them. After cross-examination, the party that called them would have another opportunity to ask them questions. This was done to clarify anything that came up during cross-examination. This is known as re-examination. This process still applies but witness statements replace evidence in chief given by oral testimony. Witnesses now give their evidence in chief in witness statements. When you appear at court, you are called for cross-examination. Section: Preliminaries Source of Evidence Well drafted witness statements commence with a statement confirming the source of the evidence given. And then stand by it. It usually has words like: The facts set out in this statement are within my own knowledge save where I state otherwise. Where I refer to facts that are not within my own knowledge I will give the source of my knowledge of those facts. or Except where I indicate to the contrary, the facts and matters contained in this witness statement are within my own knowledge.

RESTRICTED (when complete) 596LX1177

WITNESS STATEMENT CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1	
Statement of Michael Constable URN: 	
Age if under 18 Over 18 (if over 18 insert year 18) Occupation: Police Officer	
This statement (consisting of 8 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.	
Signer: _____ Date: 24/01/2015	
Tick if witness evidence is visually recorded <input type="checkbox"/> (supply witness details on rear)	
I am PC Michael CONSTABLE 596LX I'm a Police Officer for Lambeth Licensing and Night Time Economy Team. I am the dedicated officer for North Lambeth.	
This is the first opportunity to write this statement, as I have been involved in the evidence gathering for the summary review of the premises Carriage 34 on 3rd February 2015. I have used folder to assist me in writing this statement to give an overview in my participation and engagement with Carriage 34.	
This statement refers to licensed premises Carriage 34, 34 Lower Marsh, SE1 7RG. This is located in the Bishops ward, an area which I have been tasked for looking after. The venue first came to my attention on Monday 27th October 2014, in which I was informed of what had taken place by PS JARRED. This was an assault of Grievous Bodily Harm, that took place inside the venue and that security had refused Police entry.	
I was tasked with to arranging a meeting to discuss what had happened, and how things can be improved in future with Police and the premises management of Carriage 34. I've requested the Premises Owners Mr Dhillion and Mr Singh to attend along with the Designated Premises Supervisor (DPS) Rajan Bhanot via voicemail and email. Rajan Bhanot informed me via email that the owners were away in India and were not able to attend. I'd also been tasked to do intelligence checks on the venue and discovered there had been two (2) previous assaults, both of Grievous Bodily Harm (GBH). Crime reports 1224533/14 and 1226058/14 refers.	
On Wednesday 29th October (Appendix 8) at 1430 hours I meeting was held at Brixton Police Station on the first floor in the meeting room. Those in attendance were: Police Sergeant (PS) Tony JARRED, Police Constable (PC) Eren BESSIM and me are all from Lambeth Police Licensing Team. Pam RILEY from the Local Authority and Sue JONES from the Central Licensing Team, Rajan BHANOT	
Signature: 596LX1177	Signature witnessed by: _____

RESTRICTED (when complete)

Where the facts are not within my own knowledge, I have identified my sources of information or belief. Different words, same effect and message. You'll want to make sure you stand by it in your statement. It serves as a reminder what of evidence should be given, and what shouldn't - or can't - be given. It may sound trivial. It's not. In one case, words similar to those above were used in witness statements. But the witness statements didn't stand true to the statement. In Starbucks v British Sky Broadcasting Group, the Judge said: Despite [using words similar to the words in blue above], some of [the] statements contained information that, as she readily acknowledged during cross-examination, was not within her own knowledge, but without making this clear or stating the source of the information.

This is a breach of CPR PD32 18.2 [...] [I]t inevitably causes unnecessary difficulties for T witness when cross-examined[...] The fault lies with the solicitors who drafted the witness statements. [...] This slipshod approach to the preparation of witness statements must cease. Those "difficulties" translate to being asked in cross-examination-whether the witness statement as a whole contains the whole truth whether there are any other parties to the witness statement which aren't triggering you on the back foot, and unsure of yourself when you're under pressure. Where the source of the information or belief is not provided, it's likely to lead to the evidence given being (at least) heavily discounted and perhaps excluded from evidence which the court is prepared to consider altogether. If it isn't within your direct knowledge; you didn't see it or experience it, it's hearsay evidence, and of little weight at all. The purpose of using the wording at the beginning of a witness statement is, in a way, to remind witnesses of the limits of the evidence they can give. It also reminds them what their duty is - to tell the truth. I don't think we need to say anything more than that.

The statement here, and then expanding on it in the narrative section (if necessary) might work better. Also, this preliminaries section is good place to say you are related to any of the parties, such as "I am an employee of the Claimant" or "I am the brother of a director of the defendant". If you are, and handy place to define terms and abbreviations will be used throughout the witness statement, if there are any. Section: This Witness Statement's a good idea to explain why the statement is being made, or the purpose the witness statement is being made early on.
4th grade math morning work free.pdf This is the place to do it. Although it may be obvious, your witness statement may be one of many in the legal proceedings. State why the witness statement has been prepared. primal fear ark You will also save the judge some aggravation by having to work it out for themselves. This may be a statement that it is made in support of an application notice, in response to an application, or for the trial. Section: Exhibits You will often need to refer to documents upon which you rely to state the facts that you state. If documents are exhibited, it is a good idea to introduce them at this stage. Also, it is usually a good idea to group exhibits by categories and make separate exhibits for each category. If they are dated, put them in date order within each exhibit. See also the heading "Exhibits" below. A good idea would be to include a summary of contents of each document referred to in the course of the witness statement in the format "(exhibit reference)" / page number(s). There is more than one exhibit, it is a good idea introduce the contents of each exhibit with a summary of its contents. More on that further down. Section: The Narrative This is the business end of the witness statement. Having set out the context of your witness statement, the reason why it was written, the documents that will be referred to, it is time to tell your story. Everyone drafts witness statements differently. To make it easy to read-Use short sentences and paragraphs, where possible Keep it as concise and to the point as possible Use correct capitalisation and punctuation Avoid huge blocks of text! It's OK to introduce documents and explain them if they need it, but don't provide extensive commentaries or opinions. That is for arguments to be put to the judge at the hearing. In this narrative, you're telling your story. You can only give evidence of what is in your personal knowledge. It helps to have documents which back up it. The exceptions include when someone has told you something, and you believe it. Again, preferably with documents, such as emails or instant message transcripts, etc. However, it really is difficult to over-emphasise the importance of making it clear that your information and belief (and not within your own personal knowledge), indicating the source for any matters of information and belief. It's an important distinction to make, because one is direct evidence, the other is not Other things to watch out for - Don't refer to people simply by giving their name and position without referring to their employer, or some other description to explain why you are mentioning them You refer to a company or incorporated legal entity, state its full name, address and the sort of business it is engaged in (software developers, mechanics, consultants or suppliers as the case may be) If you have any doubts or reservations about how you say the statement, You don't want to be accused of misleading the court by leaving a false impression. If possible, include answers to questions that you are likely to be asked by someone reading your statement. uv training guide pdf free You're likely to be asked in cross-examination anyway in due course. Section: The Ending – The Statement of Truth Witnesses statements have to be signed with a statement of truth. The statement of truth for witness statements is: I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth. I declare that I know the contents of this statement and that I believe the contents to be true. I sign this statement of truth. The proposed signature is yours. The signature of the person who signs the statement of truth. The proposed signature is theirs. Note that you cannot sign on behalf of another party. For instance, where the claimant is an individual and signs the statement of truth, it might appear like this: I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone 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. Ralph Rogers The Claimant [date] If the witness statement is made for a company which is say the second defendant in the case, it would read like this: I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone 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. [signed] Ralph Rogers [Director] [Chief Operating Officer] for the [Second] Defendant [date] The exhibits should be completed, printed and in front of you, with the witness statement at the time that you sign it. watch terminator 3 123movies Sure you can do it electronically But you'll want the exhibits to be in a single document (usually a PDF), paginated and with the exhibit cover sheet so that there can be no confusion about what the exhibits contain. We prefer to print everything and then scan everything after it's all done. Just remember that once you've signed the statement of truth, you won't be able to change it later. If you find mistakes, amend them before signing. Remember that you can't alter the original statement of truth - without a genuine belief in the truth of what is said in it - are well, serious. Changing your witness statement After you finish and sign your statement, your recollection may change. You need to consider whether you need to put in another witness statement to avoid the other party - and the court - being misled by your witness statement. The changed evidence should be part of a further witness statement, which is served on the other parties. Statements of truth used for expert evidence differ. The reason is that experts owe an overriding duty to the court.

On or about that below. Preparing Exhibits to Witness Statements Documents which are referred to in a witness statement are organised into one or more exhibits. They are part of the witness statement, although the exhibits may not be attached to it. When you sign the witness statement, each exhibit should be complete, have numbered pages (bottom right-hand corner; "1", "2", "3" and so on), or even better [Exhibit Reference] / [page number], and have an exhibit cover-sheet. The numbered pages allow you to refer to page numbers of the exhibit in your witness statement. You can find the page to the exhibit in your witness statement at hearings quickly. It is better for both you and the judge (which is the person you're trying to impress). An index to exhibits really helps as well when they contain many documents, because it helps locate individual documents in large exhibits. If there are many documents and they can be categorised, they really should be split up into different exhibits. Suppose a person named Ralph Rogers makes a witness statement, [cpn case 2 chapter 7 answers](#).

It has 3 exhibits. Let's say it's his second witness statement. His first witness statement had two exhibits, "R01" and "R02". The exhibits to his second statement would be marked "R03", "R04" and "R05". Each would be stapled separately or put into a folder where there are lots of pages which are too big to be stapled. Check out the template exhibit cover sheet below. It is a good idea to exhibit documents in this way because the documents support your case/serve as a reminder to you of why you said something in your witness statement; it's more difficult to criticise your witness statement for lack of documentary support; you protect yourself by ensuring that what you say is referable to a specific document when you refer to a document, you are able to refer to different parts of it, with the context of what you say in your statement; if there is anything unusual about the document, you are able to comment on it; the judge will be able to see what you are talking about, rather than have to work it out or guess what you are talking about (and then seek clarification at the hearing); your cross-examination will be either harder or more focused, because you've kept yourself what you can say, without sounding like a removed stranger person that draws wild and baseless conclusions. Also, if any of the pages are illegible because the printing is faint, you should type up a copy and exhibit it with the best copy you are able to make of the poor quality document. No point putting in evidence that the judge and the other parties can't read/understand of letters, emails and messages (such as WhatsApp and text messages) should be in chronological order, so that the earliest letter is at the top and the most recent at the bottom. Finally, at the same time you sign the statement of truth, you must verify that each exhibit is authentic. [can judge pdf libro rojo y sus y sus](#)

When you write or sign a statement, you should verify that this is the exhibit marked '[exhibit reference]' to [your number] witness statement dated [date]. By the way, it's a good idea to spell out the date, rather than use the format "04/05/year", You'd use "4 May [year]". Writing a Good Witness Statement The Importance of Context When preparing your witness statement it's a good rule to exhibit documents to the witness statement which support the facts you state. For instance, suppose you are in a case where the other party alleges that you misappropriated their confidential information, and then used it to make a copy of their invention. In this hypothetical, you didn't. You made it yourself, independently of the other party over a period of months or years. To make out your defence, you need a witness statement for trial. The court will be interested to find out how you developed your own invention. It would make sense to cover the development process, step-by-step over time. Turn of Events You could just tell the story that: In one month you were doing research, then you created the proof of concept in the next month. After that might come the internal testing and analysis of results. Then you released the minimum viable product and did marketing, testing and received some feedback. And it was after that was the first you heard of the claimant: when they wrote to you claiming that you'd copied their invention. Bare statements of fact setting out a chronology of events is, well, better than nothing. But it has little weight. There is no independent evidence to support what you say. Documentary Support for Witness Statements Let's say that after you prepare that basic chronology, you go off to your archives. You start looking for documents and materials which support what you say. Like emails and notes that show the timing of events in the development. Here's what you find: notes of your observations of testing, results of failed tests, notes for improvements, performance results from proofs of concept, and so on. You find photographs from the development. It should be obvious that you did the development independently of the person who says you didn't. Think about it: If evidence of this sort is included, your witness statement moves from being an unsupported story, to one backed by evidence which holds its own weight. And a good arguable defence. The documents you have found add credibility and believability to the witness statement. And it's the same with causes of action other than breach of confidentiality, such as the common claims encountered in commercial litigation such as: Omissions Often a story can be told and details are left out for brevity or impact. Witness statements are not the place to do this. If you know anything and it is left out, which leaves what is said in the witness statement untrue or misleading, you really do need to include the extra information. You need to be able to stand by the statement and tell the truth, the whole truth and nothing but the truth. Crime dramas might have made this sound a bit stale, tied or a bit worn. You need to re-sensitise yourself to the truth when you are preparing your witness statement. To get a sense of how courts treat misleading information, check out this article on clean hands. Self-contained Ideally, the reader of your witness statement shouldn't have to refer to any other document to understand your witness statement. This doesn't mean duplicating copies of documents across multiple witness statements. For instance, it's usually quite OK to refer to documents exhibited to someone else's witness statement. Jargon If any jargon or industry specific language needs to be used, it should be explained succinctly. So if you need to refer to say, software-as-a-service, you might add that it is services delivered by software from a central server in a web browser, and so on. You will need to explain it so that the judge and the other parties can understand it. And/or served. When you are reading over your statement, try to spot ambiguities and gaps in reasoning, or the flow of the statement. If there are gaps, fill them in so that each step follows logically and sensibly from the previous statement (or heading). If you've told the story, the narrative - in the sequence that they took place (ie chronological order), they'll be obvious. Don't think that if you mix up the order of events that the other party won't spend time finding the gaps and inconsistencies. Assume that effort will be made, because cross-examination is truly devastating to a witnesses' credibility: ie "believability". Opinion Evidence Some straight-talking. Court decide facts based on the evidence, on the balance of probabilities. Witness statements are used to prove facts which are alleged in statements of case. It is not for witnesses to express opinions or arguments. Sure explain the evidence presented if it does not make sense. One of the unique features of courts is that the judges form their own view from the evidence, and decide the facts.

The advocate - usually a barrister if the other party is legally represented - present arguments to the judge based on the evidence before the court. They also make submissions on glaring omissions and inconsistencies in witnesses' evidence. You really do devalue your witness statement when you state opinions. If a court needs an opinion, it will make one on its own management. The expert prepares to have a qualified expert to receive relevant evidence from the parties and prepare a formal expert report. In that report, the expert may express a reasoned opinion based on the evidence set out in the report. Otherwise, some courts have some tolerance for opinions. You'll want to make sure the opinion is warranted, so that you sign your witness statement. This is so that that opinion can be used for personal opinions/prejudicial comments criticising other opinions on the issues in dispute in the court proceedings, which the court needs to decide. Try to avoid giving opinions unless you are formally qualified to give one, and it is objectively provable. The Trial: Some Context The more important witness statements in legal proceedings are used at the trial. There's a lot to think through and do if you're representing yourself in court. When you are to appear at the trial as a witness though, you're usually invited to sit in court and listen to the evidence of the other witnesses. If however some unfair advantage might be obtained - or perceived to be obtained - you might be asked what outside court until you are called to give evidence. Above, we mentioned the old procedure of giving evidence in chief orally. You are at the court to be asked questions about what you have said in your statement to assist the court arrive at the truth. The Truth in Witness Statements Even if you're a party to the proceedings, it's your overriding duty to tell the unvarnished truth, politely and respectfully.

relationship.11. What is Expert Evidence? Lay witnesses have a limited ability to give opinions in their evidence. For the most part opinions in evidence is inadmissible. It is likely to be challenged by the other party, simply because lay witnesses are not qualified to give opinions in court. While there may be some leeway on the general rule, sometimes it's best to just leave it out. The facts stated in your statement should speak for itself. Let the qualified experts give their opinion if the court wants it. Experts have greater and overriding responsibilities to the court when they give evidence. Although they give evidence for party that briefs them, experts owe an overriding duty to the court, and should not be influenced by the party that has paid them to give evidence.

Is a Witness Statement a Statement of Case? Statements of case are prepared by parties to allege facts of the case on which they rely to succeed in their legal claim: their cause of action. Witness statements are there to prove the facts of alleged in the statement of case. When a statement of case is signed - endorsed with a statement of truth - the statement of case can be used as evidence of any of the matters set out in it. If you've worked through what is set out above, you may realise that witness statements and statements of case serve fundamentally different purposes: the role of a statement of case as evidence is limited. There is very little to decide a fact on the balance of probabilities based on a statement of case, because there will be little evidence of the allegation in the statement of case (which would appear in a witness statement). The court rules allow statements of case (such as particulars of claim or a defence) to be used as a matter of convenience. If an issue is disputed between the parties, a judge will be looking to receive independent evidence from the party to satisfy the burden of proof. Not rely on what is said in a statement of case. London Litigation Lawyers Want to say the right thing, the right way in a litigation case? Have an urgent hearing coming up, and need a hand with a witness statement? We've acted for, advised and assisted litigants and witnesses in commercial litigation to prepare and firm up their evidence prior to hearings: check out our witness statements to iron out weaknesses that will prompt criticism: avoid catastrophic mistakes in litigation that lead to adverse costs orders required to be paid within 14 days advised on the legal requirements to be successful at hearings: called bad arguments - which almost certainly hold no sway with courts: warned and defended applications for witness statements to know both sides of the story, and how your opponent is likely to come at you: helped witnesses prepare to maintain their credibility in the witness box in cross-examination: prepared witness statements for trial: appeared at case management conferences and pre-trial reviews: and more. If you would like to find out more about how we can help you, please contact us by email at info@londonlitigationlawyers.co.uk or by telephone on 020 7036 9282 or email us at contact@halleluiah.co.uk, our Twitter: [LondonLitLaw](https://twitter.com/LondonLitLaw) or Email: info@londonlitigationlawyers.co.uk WhatsApp: Sections 9 and 10 Criminal Justice Act 1967 (CJA) provide for evidence to be tendered by way of written statement or formal admission. References in this guidance to a section number are to the CJA, unless otherwise specified. The Criminal Procedure Rules govern the use of Sections 9 and 10 and make specific reference to witness statements and admissions. The response of a party to the use of Sections 9 and 10 is subject to the general requirement in Part One of the Rules to prepare and conduct the case efficiently and expeditiously. Used properly, the provisions of Sections 9 and 10 have the following benefits: Witnesses can be spared the inconvenience of unnecessary attendance at Court; Evidence can be presented simply and clearly; Trials can be shortened; Costs can be saved. Section 9 in any criminal proceedings, Section 9 provides that a written statement is admissible in evidence to the same extent as oral evidence. Requirements: The use of the provision requires compliance with certain formalities set out in Section 9(2) and the Criminal Procedure Rules: The statement must be signed by the witness. There must be a declaration of truthfulness. The statement must be served properly on other parties (unless agreed before or during the hearing). There must be no objections to the tendering of the statement in evidence. The statement must contain the witness' age at the beginning of the document, if they are under 18. If the witness cannot read the statement, a signed declaration by the person who read the statement to the witness must be provided. Scope: Evidence in a statement read in accordance with the provisions of Section 9 is not admissible in evidence in proceedings for an offence other than the offence in relation to which the statement was made. (Lister v Quaele [1982] 75 Cr. App. R. 313). A party who has agreed a Section 9 statement may therefore comment on the value or significance of the evidence in the statement. Statements taken abroad: Statements taken in Scotland and Northern Ireland can be read in the same way as statements taken in England and Wales, provided all the provisions of Section 9 have been complied with. (See section 46(1) Criminal Justice Act 1972). Section 9 does not apply to witness statements taken outside the United Kingdom, but the defence could be invited to admit the contents of such statements in accordance with section 10. Editing statements: All editing of witness statements should be carried out in accordance with the Criminal Practice Direction, which can be accessed here. It should always be done by a Crown Prosecutor, not by a police officer. The Practice Direction envisages two types of statements: Single statements. Composite statements which combine two or more earlier statements from a witness. If a composite statement is prepared,

Prosecutors must make sure that it complies with the provisions of Section 9 and that it is signed afresh by the witness. The Prosecutor must disclose to the Defence, as unused material, copies of the statements combined in the composite statement, unless there are grounds for withholding disclosure. Refer to the Disclosure Manual for further guidance. The Prosecutor can edit the evidence in a single witness statement in one of two ways: By marking a copy in a way which indicates the passages on which the Prosecution does not seek to rely; By obtaining a new statement, omitting any inadmissible, prejudicial or irrelevant material, applying the procedure for composite statements above. If Prosecutors edit by marking, they must mark a copy, not the original. The Prosecutor can deal with the relevant sections of the statement in the following ways: Lightly strike through Bracket Lightly strike through and bracket. The Prosecutor should make sure that the original wording can still be read. If it is completely obliterated, the copy served on the Defence/Court is no longer a copy of the original statement. The Prosecutor should include the following words on the frontispiece or index to the bundle of statements: The Prosecution does not propose to adduce evidence of those passages of the attached copy statements, which have been struck out and/or bracketed (nor will it seek to do so at the trial unless a notice of further evidence is served). "If Prosecutors prepare a new statement, they must disclose to the Defence as unused material a copy of the earlier statement, unless there are grounds for withholding disclosure. Refer to the Disclosure Manual for further guidance. Prosecutors will find guidance as to when it is preferable to obtain a fresh statement, rather than edit by marking, set out in the Practice Direction. Using written statements Service of notice A notice must be served in accordance with Section 9(2), to give the other parties an opportunity to object to the admission of the evidence in writing. This does not apply if a statement has been agreed before or during the hearing. In such circumstances, it should not be served again with a Section 9 notice as this may create unnecessary work and it could also result in a routine, automatic objection to a Section 9 notice. This would lead to having to warn a witness already agreed in Court. Tendering the statement A statement must be read aloud in court to be admissible, unless the court directs that an oral account may be given instead (Section 9(6)). It remains open to the party serving the statement to call the witness to give oral evidence, rather than it being read (Section 9(4)(a)). The Court may of its own motion, or on application from any party to the proceedings, require the witness to attend (Section 9(4)(b)). Challenging defence refusal to agree If the Defendant refuses to agree the statement of a witness, whose evidence you consider does not go to the issue they have identified, seek the views of the Court. The prosecutor has a duty under the Criminal Procedure Rules to inform the court at once of a failure to prepare or of conducting a case in a way that might hinder the Court in furthering the overriding objective. Section 10 Section 10 provides for proof by formal admission in criminal trials. sodastream cocktail recipe book pdf Unlike a statement admitted under Section 9, an admission under Section 10 is conclusive evidence. Requirements An admission under Section 10 made before the proceedings must be in writing. If it is made orally during the proceedings it must be written down in accordance with the Criminal Procedure Rules. Admissions under Section 10 should relate to facts. Expressions of opinion, speculation and comment, should be avoided. Scope There is no reason why documents or other exhibits should not be referred to in admissions under Section 10, provided they are clearly identified and copies are appended. If evidence is inadmissible, an admission under Section 10 will not make it admissible. A Section 10 admission should not be referred to in a witness statement as an exhibit. Practical considerations In many cases, Prosecutors may be able to use the provisions of either Section 9 or Section 10. The merits of each are detailed below and Prosecutors should decide which is the more suitable to deal with the evidence under consideration. The procedures are not mutually exclusive. In appropriate cases, both procedures may be used. Instructions to the prosecuting advocate may include a request to advise on the appropriate procedure and to draft suitable admissions. S9 Statements If time permits, the procedure under Section 9 has the following advantages for Prosecutors: The evidence is already available in statement form, avoiding the need for potentially difficult drafting; Disclosure of the statement may be required, even if the provisions of Section 10 are used. Prosecutors should rely on statements served under Section 9 only in simple, straightforward cases, unless the evidence is of a formal nature and/or is unlikely to be disputed. The following are examples where Prosecutors should consider using the provisions of Section 9: Formal evidence, such as the statements of plan drawers, photographers and statements providing evidence of continuity Evidence of analysis in drugs cases Evidence of an owner with no knowledge of the particular circumstances of the offence. A doctor's statement to prove the taking of a specimen in an excess alcohol case. To prove the presence of a witness at a taped recorded interview. The oral evidence of a witness may, however, be more compelling than the reading of a statement. The Prosecutor will need to balance the likely value of oral testimony against the inconvenience occasioned to the witness by attending Court. There will be cases when it will be appropriate to call a witness to give oral evidence, even though the evidence is unlikely to be substantially challenged. If the evidence of a witness is central to the issues in the case, the Prosecutor may decide that it is better to call that witness to give oral evidence (Lister v Quaipe [1982] 75 Cr. App. R. ejercicios_de_sintagmas_resueltos.pdf 313). In order to avoid witnesses having to be warned and then de-warmed at short notice, the Prosecutor must make decisions promptly as to whether prosecution evidence can be served under Section 9. Where the evidence is unlikely to be accepted, it may nevertheless be prudent to warn the witness to attend. Defence Statements Statements served under the provisions of Section 9 by the Defence require prompt attention because of the 7 day time limit in which to object to the statement being tendered in evidence. Witnesses for the Defence are entitled to the same consideration as witnesses for the Prosecution. Prosecutors should require the attendance of the witnesses only where it is fair to do so and where the interests of justice require it, for example, where the Prosecution dispute the evidence contained in the Defence statement. S10 Admissions Magistrates and juries may sometimes find it easier to understand evidence presented to them in an agreed admission, rather than in the form of a witness statement read out to them. Prosecutors should consider using them in a number of circumstances, including: Proof of age, disqualification or that property is stolen. Continuity of evidence. Formal evidence of plan drawers and photographers. Proof that a witness was present at a tape recorded interview. Cases involving fraud. Proving convictions. Prosecutors should not use Section 10 admissions where the detailed content of a witness statement might be important. Prosecutors must make sure there is sufficient evidence before the Court to enable proper sentencing. This means that full witness statements will normally be needed from victims of offences such as robbery, burglary and violence.