
STATUTORY INSTRUMENTS

2005 No. 2022

The Clergy Discipline Rules 2005

PART VII

Evidence

Witness statements for use at a hearing before a tribunal

35.—(1) A witness statement is a written statement signed by a person and containing evidence which that person would be allowed to give orally.

(2) A witness statement must indicate—

- (a) which matters in it come from the witness's own knowledge, and which are matters of information or belief, and
- (b) the source of any matters of information or belief.

(3) A witness statement intended for use before a tribunal must contain at the end a declaration of truth in the following form—

“I believe that the contents of this witness statement are true”,

and shall be dated and signed by the witness.

(4) A party wishing to rely on a witness statement at the hearing of the complaint shall call the witness to give oral evidence unless—

- (a) the parties agree that the witness statement may be put in evidence, or
- (b) the witness has died, is too ill to attend or is overseas, or
- (c) the Registrar of Tribunals or the Chair directs otherwise.

(5) Where a witness is called to give oral evidence the witness statement of the witness shall stand as the witness's evidence in chief unless the Chair directs otherwise.

(6) A witness giving oral evidence at a hearing may with the permission of the Chair—

- (a) amplify the witness statement, and
- (b) give evidence in relation to new matters which have arisen since the witness statement was made.

(7) Any witness who gives oral evidence may be cross-examined.

(8) If a party exchanges a witness statement with another party but does not—

- (a) call the witness to give evidence at the hearing, or
- (b) put the statement in evidence without calling the witness,

the other party may put the witness statement in evidence without calling the witness to give oral evidence.