
STATUTORY INSTRUMENTS

2005 No. 2795

The Family Procedure (Adoption) Rules 2005

PART 15

ADMISSIONS AND EVIDENCE

Use at final hearing of witness statements which have been served

127.—(1) If—

- (a) a party has filed a witness statement which has been served on the other parties; and
- (b) he wishes to rely at the final hearing on the evidence of the witness who made the statement,

he must call the witness to give oral evidence unless the court directs otherwise or he puts the statement in as hearsay evidence.

(2) Where a witness is called to give oral evidence under paragraph (1), his witness statement shall stand as his evidence in chief unless the court directs otherwise.

(3) A witness giving oral evidence at final hearing may with the permission of the court—

- (a) amplify his witness statement; and
- (b) give evidence in relation to new matters which have arisen since the witness statement was served on the other parties.

(4) The court will give permission under paragraph (3) only if it considers that there is good reason not to confine the evidence of the witness to the contents of his witness statement.

(5) If a party who has filed a witness statement which has been served on the other parties does not—

- (a) call the witness to give evidence at final hearing; or
- (b) put the witness statement in as hearsay evidence, any other party may put the witness statement in as hearsay evidence.