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STATUTORY INSTRUMENTS

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**2017 No. 1035**

**The Court of Protection Rules 2017**

**PART 14**

**ADMISSIONS, EVIDENCE AND DEPOSITIONS**

*Evidence*

**Evidence of witnesses – general rule**

**14.3.**—(1) The general rule is that any fact which needs to be proved by evidence of a witness is to be proved—

- (a) where there is a final hearing, by the witness’s oral evidence; or
- (b) at any other hearing, or if there is no hearing, by the witness’s evidence in writing.

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

(3) A witness giving oral evidence at the final hearing may, if the court permits—

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

(4) The court may so permit only if it considers that there is good reason not to confine the evidence of the witness to the contents of the witness statement.

(5) This rule is subject to—

- (a) any provision to the contrary in these Rules or elsewhere; or
- (b) any order or direction of the court.