
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 16

WRITTEN WITNESS STATEMENTS

Written witness statement in evidence

- 16.4.**—(1) A party who wants to introduce in evidence a written witness statement must—
- (a) before the hearing at which that party wants to introduce it, serve a copy of the statement on—
 - (i) the court officer, and
 - (ii) each other party; and
 - (b) at or before that hearing, serve on the court officer the statement or an authenticated copy.
- (2) If that party relies on only part of the statement, that party must mark the copy in such a way as to make that clear.
- (3) A prosecutor must serve on a defendant, with the copy of the statement, a notice—
- (a) of the right to object to the introduction of the statement in evidence instead of the witness giving evidence in person;
 - (b) of the time limit for objecting under this rule; and
 - (c) that if the defendant does not object in time, the court—
 - (i) can nonetheless require the witness to give evidence in person, but
 - (ii) may decide not to do so.
- (4) A party served with a written witness statement who objects to its introduction in evidence must—
- (a) serve notice of the objection on—
 - (i) the party who served it, and
 - (ii) the court officer; and
 - (b) serve the notice of objection not more than 5 business days after service of the statement unless—
 - (i) the court extends that time limit, before or after the statement was served,
 - (ii) rule 24.8 (Written guilty plea: special rules) applies, in which case the time limit is the later of 5 business days after service of the statement or 5 business days before the hearing date, or
 - (iii) rule 24.9 (Single justice procedure: special rules) applies, in which case the time limit is 15 business days after service of the statement.
- (5) The court may exercise its power to require the witness to give evidence in person—
- (a) on application by any party; or

- (b) on its own initiative.
- (6) A party entitled to receive a copy of a statement may waive that entitlement by so informing—
 - (a) the party who would have served it; and
 - (b) the court.

[Note. The Practice Direction sets out a form of written witness statement and a form of notice for use in connection with this rule.

Under section 9(2A) of the Criminal Justice Act 1967(1), Criminal Procedure Rules may prescribe the period within which a party served with a written witness statement must object to its introduction in evidence, subject to a minimum period of 7 days from its service.

Under section 133 of the Criminal Justice Act 2003(2), where a statement in a document is admissible as evidence in criminal proceedings, the statement may be proved by producing either (a) the document, or (b) (whether or not the document exists) a copy of the document or of the material part of it, authenticated in whatever way the court may approve. By section 134 of the 2003 Act, ‘document’ means anything in which information of any description is recorded.]

(1) 1967 c. 80; section 9(2A) was inserted by section 80 of the Deregulation Act 2015 (c. 20).
(2) 2003 c. 44.