

From: Lorraine Cordell [lorraine32@blueyonder.co.uk]
Sent: 27 November 2014 16:40
To: 'Martin Jenkin'
Subject: RE: Simon Cordell Section 9 statment for court
Hi Martin

Definition of an 'admissible witness statement'

To be admissible (allowed) in court section 9 of the Criminal Justice Act (CJA) 1967 states for a witness statement to be used as evidence in any criminal proceeding, other than committal proceedings, it must:

- ☐ be a formal written document of a person
- ☐ be a set of facts relating to a certain event, or events
- ☐ be signed by the person who makes it, to confirm that the contents of the document are true, this is known as a statement of truth, and
- ☐ have had a copy served on the other parties before the trial.

If all of the above apply, the witness does not always need to attend the trial to give oral evidence. But once they have made a written statement they may be called on to attend court and give their evidence in person. The jury do not see witness statements so the evidence contained in them will either be read out by counsel or be given orally by the person who has given the statement.

When you can produce a witness statement as evidence in court

To be admissible in court, evidence must be relevant to a fact which has to be proved, or disproved. Every fact, and document relied upon in court must be proved by admissible evidence.

You can produce a witness statement as evidence in court when:

- ☐ The relevant conditions in section 9 of the CJA 1967 are met:
 - o This allows the defence to agree to a statement being read at trial where it has been served in advance to them. For more information on the act, see related link.
- ☐ Section 116 or 117 of the CJA 2003 applies:

Please see the government link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257982/Witness-statements.pdf