

Witness Evidence post PD 57AC: an overview



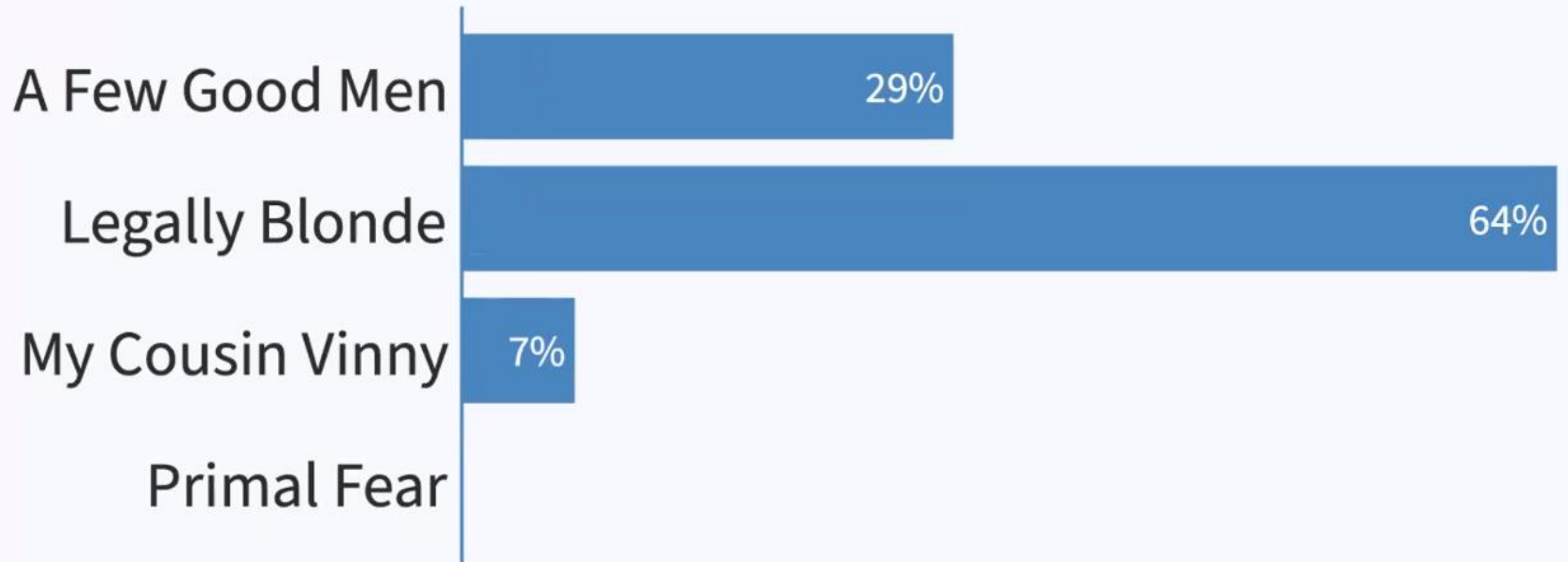
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Overview of Topics

- How to ensure statements comply with the new requirements;
- The impact on other aspects of trial preparation; and
- The consequences for the conduct of trials

 **Poll locked.** Responses not accepted.

Which film has the best scene of a witness being demolished in the witness box?



There is, of course, only one correct answer...



What is the biggest issue with the way witness evidence is used in English trials?

“ Long winded opinion evidence prepared by lawyers ”

“ Sols writing all the evidence . ”

“ It is often "curated" by the legal rep. and becomes

What were the problems?

“It is the nature of evidence conducted with the benefit of hindsight that lawyers excavate into lacuna and interstices and between the evidence before the Court. Small gaps may be portrayed with forensic skill as gaping holes”

(R on the application of ASK v The Secretary of State for the Home Department [2017] EWHC 196 (Admin) at [75])

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What would you change about the way witness evidence is used in English trials?

“ It should be limited to the witnesses knowledge, in their own words ”

“ limit solicitor/counsel involvement ”

“ Shorter statements limited to facts ”

What is the PD aiming to achieve?

- Factual evidence adduced at trial is only on matters which are in dispute that need to be resolved at trial.
- Factual evidence should only contain the evidence that the witness could and would be allowed to give at trial if giving oral evidence in chief.
- Avoid the factual evidence being manipulated by lawyers.

Thank you for listening

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