

Prisons and Courts Bill

Traffic Offences - Witness statements and statements of truth

Introduction

1. The reform of HM Courts and Tribunals Service (HMCTS) will, as far as is practicable, remove paper-based procedures from the courts with administration handled digitally. As part of these reforms the Government has given consideration to current procedures and processes undertaken by the courts and whether they can be maintained or reformed to better reflect the way in which court services will be provided in future.
2. This builds on the good progress that has already been made in speeding up the delivery of justice for the people that matter and improving the experience of all users, including victims, witnesses, the wider public, the judiciary, those who work in the justice system, and legal professionals.

What is the current position?

3. Statutory Declarations are made under the Statutory Declarations Act 1835, in which a person (the declarant) states (or “declares”) something to be true. They are used when no other evidence is available. Court users may currently make statutory declarations in the county court by making a counter appointment and attending the court at a pre-arranged time. On arrival, a county court officer (authorised by a Judge) will witness the customer signing the declaration. Statutory declarations may also be made in the presence of various authorised professionals including solicitors holding a current practising certificate.
4. Unpaid penalty charge notices for certain road traffic contraventions may be enforced in the county court through the Traffic Enforcement Centre (TEC). In certain circumstances, an application may be made to the TEC to set the order for payment aside, for example where a party claims to be unaware of the proceedings relating to an unpaid penalty charge. In some cases a statutory declaration is still required to be used when making an application, while in others a witness statement, which is verified by a statement of truth, is required.”

What are the proposed changes?

5. The provisions in the Bill will replace the requirement to use statutory declarations with a requirement to use a witness statements in those remaining TEC proceedings that still require the use of a statutory declaration. A witness statement can be undertaken at the convenience of the court user and can be digitised. However, this approach maintains a robust penalty if the statement is later found not to be true as the party may face proceedings for contempt.
6. At the moment, if a member of the public was sent notice of enforcement proceedings in the TEC regarding an unpaid traffic fine, but did not receive the original penalty charge notice they would make an application to set the order for payment aside. This would mean having to make an appointment with the local court to attend on a specific day to make a statutory declaration before court staff to confirm that he did not receive the notice. The actual declaration may take up to 15

minutes. Alternatively, he or she would also have the option of going to a local solicitor to make a statutory declaration at a cost.

7. Under these reforms, the same person would be able to make a witness statement with a statement of truth, which might be submitted by post or digitally.

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