



# Witness Statements in Personal Injury Cases

In any personal injury case, thorough, clear, and detailed evidence plays a crucial role in supporting a claim.

## Witness Statements in Personal Injury Cases

Witness statements serve as a primary source of evidence and heavily contribute to establishing the circumstances of the accident, the sequence of events, and the future impact of the injuries on our client.

A variety of people connected to the incident can provide a witness statement, such as parents or a spouse caring for the client, or even someone with no direct connection who witnessed the accident.

If the case proceeds to trial, the importance of presenting a detailed and well-formatted statement cannot be overstated. For example, a trial Judge is unlikely to award damages for care provided to a claimant without statements detailing that such care was provided.

Recent cases have clearly highlighted the importance of witness statements in personal injury cases.

### Case Study: *Barrow v Merrett* [2022]

In [Barrow v Merrett](#) [2022], the Defendant's car struck the Claimant while he crossed the road on his way to school. As a result, the Claimant suffered orthopaedic and neurological injuries. The case faced issues with inconsistent accounts of how the accident occurred. Initially, the Claimant's friend told the police he tried to warn the Claimant about the approaching car, but the warning came too late as the Claimant had already run across the road. Later, in another account, the friend stated that the Claimant walked across the road, slipped, and then the Defendant's car hit him as he was getting up. The court determined that the friend's initial statement was more accurate since he made it closer to the incident.

Our recollection of events tends to fade over time and therefore becomes less reliable. The judge in *Barrow v Merrett* concluded that the Claimant ran into the road. After an appeal, the Court of Appeal upheld the initial ruling.

### Witness Statements Must Be in the Witness's Own Words

Witnesses must write statements in their own words.

This ensures they serve as an objective and reliable source of information. The case of [Mackenzie v Rosenblatt Solicitors & Anor](#) [2023] underscores this point. In this case, four Claimant witness statements did not reflect the witnesses' own words and instead seemed to have been crafted by the Claimant's legal representatives to advance an inaccurate version of events. The Judge noted that the tone and style of the statements were too similar. If the statements genuinely reflected each witness's own words, differences in their personalities would have been evident.

## What Happens if the Statement Is Not True?

At the end of every statement, witnesses must sign a 'Statement of Truth,' confirming that the contents are in their own words and that they believe them to be true and accurate.

If it later emerges that the statement was false, or if the witness signed the statement without knowing it to be true, or did not honestly believe its contents, this can cause significant problems for the claim.

Ultimately, authorities can pursue contempt of court proceedings against the witness. The solicitor must ensure the witness understands the consequences of signing a statement of truth and must inform the witness that they should only sign if they are satisfied with its contents. However, the responsibility to ensure that the facts in the statement are correct remains with the witness. The takeaway is clear: witnesses should never sign a statement if unsure about any point. Dishonesty in a witness statement can severely affect the claim and may lead to criminal charges against the witness.

## How Can We Help?

Our highly skilled team of personal injury lawyers expertly progresses each stage of your claim, including the preparation of witness evidence.

For further information, please contact our experienced Personal Injury & Medical Negligence team via email at [online.enquiries@la-law.com](mailto:online.enquiries@la-law.com) or call us on 01202 786260.