



PUMP COURT

CHAMBERS

Foreign Language Clients

Oliver Foy



Scope of the presentation

- Witness statements and the CPR
- Interpreters

When is action needed?

- Initial contact with client
- Proofing stage
- Cross-examination

Witness statements

- PD 32

- PD 32.18.1

“The witness statement must, if practicable, be in the intended witness’s own words and *must in any event be drafted in their own language*”

- PD 32.19.1(8)

“A witness statement should be drafted in the witness’s own language” (PD 57AC.3.3)

- PD 32.20.1

“A witness statement is the equivalent of the oral evidence which that witness would, if called, give in evidence; it must include a statement by the intended witness in their own language that they believe the facts in it are true” (CPR 32.14)

- PD 32.23.2

“Where a witness statement is in a foreign language –

(a) the party wishing to rely on it must –

(i) have it translated; and

(ii) file the foreign language witness statement with the court; and

(b) the translator must sign the original statement and must certify that the translation is accurate.”

- CPR 22

- Pleadings and medical reports

Non-compliance with PD32

- Evidence treated with caution or excluded –
Alam v Alam and another [2023] EWHC 1460
(Ch)
- Translating the evidence on the day
- Adjournment and strike out

- Instruct in good time, with client's instructions
- Inform the court (pre-trial checklist)
- Equal Treatment Bench Book
- Court appointed interpreter (*Shuker v Inspects Limited* [2022] EWHC 2668 (Ch))



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