## STATUTORY DECLARATION

*(Criminal Procedure Rules, rule 44.2; Magistrates' Courts Act 1980, section 14 or 16E)*

| Original Case Number: | Account reference number: | New Case number: |
|---|---|---|
| | | |

**Case details**

Defendant's full name:

Current address:

Defendant's date of birth:

Convicted at: Magistrates' Court

This declaration was made at: Magistrates' Court, or
address of solicitor or Commissioner for Oaths

Under ☐ section 14 or ☐ section 16E, Magistrates' Courts Act 1980

**Declaration**

**I do solemnly and sincerely declare that:**

1. I am the defendant named above.
2. I now know that the hearing in this case began on or about *(date)*.
3. I found out about the case on *(date)* because: *Explain briefly how you found out. If you use an electronic version of this form, the space beneath will expand.*[1] *If you use a paper version and need more space, use the back of the form.*

**And I make this solemn declaration conscientiously believing it to be true, under the provisions of the Statutory Declarations Act 1835.**

**WARNING**. Under section 5 of the Perjury Act 1911, if you knowingly and wilfully make a statutory declaration that is false in a material particular, then you are guilty of an offence, and liable on conviction to a term of imprisonment for up to 2 years, or to a fine, or both.

Signed: ……..……..…….….. (defendant)

Date:

**Declared before me :**

Signed: ……..……..…

Name: [Magistrate]
[District Judge (Magistrates' Court)]
[Solicitor / Commissioner for Oaths]

[1] Forms for use with the Rules are at: https://www.gov.uk/guidance/criminal-procedure-rules-forms.

**Extension of time to deliver this declaration**

The time limit for delivering this declaration **to the court office for the magistrates' court where the trial took place** is **21 days from the date you found out about the case**. If you have taken longer than that to deliver it to that court office, explain why here. *If you use an electronic version of this form, the space beneath will expand. If you use a paper version and need more space, use the back of this form*.

*For use by the court if allowing an extension of time:*

I extended the time for delivering this declaration because: *Give brief reasons.*

Signed: ……..……..…

Name: [Magistrate]
Date: [District Judge (Magistrates' Court)]
[Justices' Clerk / Assistant Clerk]

**How to use this form**

**1. Complete the case details box and the declaration above.**

**2. Make the declaration before a magistrate, a District Judge (Magistrates' Courts), or a solicitor or Commissioner for Oaths.** You can ask for help at any magistrates' court office. See also the notes for guidance beneath.

**4. Send or deliver the completed declaration to the court office for the magistrates' court where the trial took place.** They must receive it not more than 21 days after you found out about the case. The court may extend that time limit, but **if your declaration is late you must explain why in the box above**.

5. Where the charges were tried under the Single Justice Procedure (SJP) you must also respond to the SJP notice in writing at the same time as serving the declaration.

**Notes for Guidance**

Under section 14 or 16E of the Magistrates' Courts Act 1980, a trial is void where:

- the case started with a summons, requisition or single justice procedure notice,
- the defendant did not know about the case, and
- not more than 21 days after finding out about it (which time limit can be extended) the defendant delivers to the court a statutory declaration that he or she did not know about the case until after the trial.

A fresh trial must be by different magistrates. The result of a fresh trial may be different to the result of the first trial, or it may be the same.

Under the Statutory Declarations Act 1835, the defendant's declaration can be made before anyone who is authorised by law to hear it (e.g. a solicitor), or before any Justice of the Peace (a magistrate or District Judge (Magistrates' Courts). The person who hears the declaration need not enquire into the truth of it. That person's function is limited to hearing the declaration, and certifying that he or she has done so by signing it. If the declaration turns out to be untrue, the defendant making it may be punished for perjury.

**How you found out about the case**
**Why this declaration is late**

*If you need extra space, continue your explanation(s) here from the front of this form.*

**Note for court staff**

If this declaration is made at a court, any available record of the conviction should be submitted to the magistrate or District Judge (Magistrates' Court) before whom it is made.

If the court directs that the case be relisted at once for a fresh trial, enter the hearing date:

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