



/guide

Your
questions
answered

UNDERTAKINGS AND STATEMENTS OF TRUTH

The objective of this Stowe guide is to enable you to recognise what Undertakings and Statements of Truth are in the context of family proceedings and when they may be used.

What is an Undertaking?

An undertaking is a solemn promise to the Court to do, or not do, something or to pay money. It is intended to be obligatory on the person giving the undertaking.

They are frequently used where the Court does not have the authority to order a person to do, or not do, something that may be essential to aid settlement.

Breaching an undertaking can lead to imprisonment, a fine, or assets being seized for contempt of Court and can be enforced in much the same way as an Order of the Court.

It is important that careful consideration is given to the wording of any undertaking given and the extent to which compliance may be impossible or impractical.

Undertakings will carry a warning notice about the importance of compliance and the consequences if they are breached, as well as a statement that the person giving the undertaking understands the promises they have made.

What is a Statement of Truth?

Many documents in family proceedings, such as witness statements/court forms are required to be signed by a Statement of Truth. This confirms an individual's belief that the facts stated are true.

As with a breach of an undertaking, proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a Statement of Truth without an honest belief in its truth.

In financial proceedings arising out of divorce, the Form E carries a warning that criminal proceedings may be brought against an individual for fraud if that person has been found to have been consciously untruthful.

It is important to check thoroughly any documents prepared on your behalf to ensure you do not sign a Statement of Truth relating to matters you know or believe not to be true.

Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit www.stowefamilylaw.co.uk