

Chapter 21: Redacted Statements in High Court Cases

21.1.1 In High Court Cases the Crown must be in a position to demonstrate, when challenged, that it has complied with its disclosure obligation. The Disclosure Schedule is the primary source of information in relation to the disclosure process carried out by the Crown. However in certain circumstances witness statements will be redacted (see Chapter 29) and the Disclosure Schedules will not provide the details of the material which has been redacted. Formerly a Disclosure Bundle was provided to the Advocate Depute, Trial Judge and Sitting Manager in every High Court case. This Disclosure Bundle comprised all of the statements in the form in which they had been disclosed to the defence, including redactions.

21.1.2 The practice of preparing a disclosure bundle has now been discontinued. Instead the case preparer must, where a statement has been redacted as a result of information being assessed as non disclosable/confidential and not meeting the materiality test, firstly consider whether the redaction simply relates to personal details about a witness or third party. Most commonly this will relate to the situation where a home address or phone number belonging to a third party or witness has been redacted. Where significant redactions are made, i.e. those that relate to information **other than** personal details, as outlined above, a copy of the redacted statement should be placed in the precognition behind the relevant full version of the statement.

21.1.3 This will apply to all witness statements including those placed in the "For Information" section of the precognition. Where a redacted version is included in the precognition the case preparer will highlight this fact on the Disclosure Page along with a brief outline of the nature of the material withheld (See Chapter 31)