

1987 No. 716 (L.2)

**SUPREME COURT OF ENGLAND AND WALES**

**The Crown Court (Advance Notice of Expert Evidence)  
Rules 1987**

<i>Made - - - - -</i>	<i>9th April 1987</i>
<i>Laid before Parliament</i>	<i>15th April 1987</i>
<i>Coming into force</i>	<i>15th July 1987</i>

We, the Crown Court Rule Committee, in exercise of the powers conferred upon us by sections 84(1) and 86 of the Supreme Court Act 1981(a) and section 81 of the Police and Criminal Evidence Act 1984(b), hereby make the following Rules:

1. These Rules may be cited as the Crown Court (Advance Notice of Expert Evidence) Rules 1987 and shall come into force on 15th July 1987.

2. These Rules shall not have effect in relation to any proceedings in which a person has been committed for trial or ordered to be retried before 15th July 1987.

3.—(1) Following the committal for trial of any person, or the making of an order for his retrial, if any party to the proceedings proposes to adduce expert evidence (whether of fact or opinion) in the proceedings (otherwise than in relation to sentence) he shall as soon as practicable, unless in relation to the evidence in question he has already done so—

- (a) furnish the other party or parties with a statement in writing of any finding or opinion which he proposes to adduce by way of such evidence; and
- (b) Where a request in writing is made to him in that behalf by any other party, provide that party also with a copy of (or if it appears to the party proposing to adduce the evidence to be more practicable, a reasonable opportunity to examine) the record of any observation, test, calculation or other procedure on which such finding or opinion is based and any document or other thing or substance in respect of which any such procedure had been carried out.

(2) A party may by notice in writing waive his right to be furnished with any of the matters mentioned in paragraph (1) above and, in particular, may agree that the statement mentioned in sub-paragraph (a) thereof may be furnished to him orally and not in writing.

(3) In paragraph (1) above, “document” has the same meaning as in Part I of the Civil Evidence Act 1968(c).

4.—(1) If a party has reasonable grounds for believing that the disclosure of any evidence in compliance with the requirements imposed by rule 3 above might lead to the intimidation, or attempted intimidation, of any person on whose evidence he intends to rely in the proceedings, or otherwise to the course of justice being interfered with, he shall not be obliged to comply with those requirements in relation to that evidence.

(2) Where, in accordance with paragraph (1) above, a party considers that he is not obliged to comply with the requirements imposed by rule 3 above with regard to any evidence in relation to any other party, he shall give notice in writing to that party to the effect that the evidence is being withheld and the grounds therefor.

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(a) 1981 c.54.

(b) 1984 c.60.

(c) 1968 c.64.

5. A party who seeks to adduce expert evidence in any proceedings and who fails to comply with rule 3 above shall not adduce that evidence in those proceedings without the leave of the court.

Dated 9th April 1987

*Hailsham of St. Marylebone, C.*

*Stephen Brown, L.J.  
Anthony McCowan, J.  
Richard Lowry  
M.J. Langton  
N.R. Purnell  
D.McL. Webster  
L.J.J. Morgan  
L. Naylor  
D.D. Brown  
H.G. Hall*

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#### EXPLANATORY NOTE

*(This note is not part of the Rules.)*

These Rules provide for mutual disclosure of expert evidence between the parties to criminal proceedings in the Crown Court. Rule 3 requires a party to disclose any expert evidence which he proposes to adduce as soon as practicable after committal or the ordering of a retrial. Rule 3(1)(b) enables a party to examine the basis of any findings or opinions proposed to be adduced by way of expert evidence by another party. Rule 4 provides for a party to withhold any matter where he has reasonable grounds for suspecting that its disclosure might lead to intimidation or the course of justice being interfered with. In such a case the party is required to give to the other party notice in writing, which must include the grounds on which disclosure is being withheld. By Rule 5 a party who fails to comply with rule 3 in respect of any evidence may not adduce that evidence without the leave of the court.

The Rules, by virtue of rule 1, come into force on 15th July 1987 and, by virtue of rule 2, have effect in relation to proceedings in which a person is committed for trial or ordered to be retried on or after that date.

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