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STATUTORY INSTRUMENTS

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**1997 No. 700 (L. 6)**

**SUPREME COURT OF ENGLAND AND WALES**

**The Crown Court (Advance Notice of  
Expert Evidence) (Amendment) Rules 1997**

<i>Made</i>	- - - -	<i>10th March 1997</i>
<i>Laid before Parliament</i>		<i>11th March 1997</i>
<i>Coming into force</i>	- -	<i>1st April 1997</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(1) and section 81 of the Police and Criminal Evidence Act 1984(2), hereby make the following Rules:

1. These Rules may be cited as the Crown Court (Advance Notice of Expert Evidence) (Amendment) Rules 1997 and shall come into force on 1st April 1997.

2. These Rules shall not have effect in relation to any proceedings which relate to an alleged offence into which a criminal investigation has begun before 1st April 1997.

3.—(1) The Crown Court (Advance Notice of Expert Evidence) Rules 1987(3) shall be amended in accordance with paragraphs (2) and (3) below.

(2) For rule 3(1) there shall be substituted the following paragraph:

“(1) Following—

- (a) the committal for trial of any person;
- (b) the transfer to the Crown Court of any proceedings for the trial of a person by virtue of a notice of transfer given under section 4 of the Criminal Justice Act 1987(4);
- (c) the transfer to the Crown Court of any proceedings for the trial of a person by virtue of a notice of transfer served on a magistrates' court under section 53 of the Criminal Justice Act 1991(5);
- (d) the preferment of a bill of indictment charging a person with an offence under the authority of section 2(2)(b) of the Administration of Justice (Miscellaneous Provisions) Act 1933(6); or

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(1) 1981 c. 54; section 86 was amended by paragraph 36(2) of Schedule 18 to the Courts and Legal Services Act 1990 (c. 41).

(2) 1984 c. 60.

(3) S.I.1987/716.

(4) 1987 c. 38.

(5) 1991 c. 53.

(6) 1933 c. 36.

(e) the making of an order for the retrial of any person,

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—

(i) 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

(ii) 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 has been carried out.”.

(3) In rule 3(3), for “has the same meaning as in Part I of the Civil Evidence Act 1968” there shall be substituted “means anything in which information of any description is recorded”.

*Mackay of Clashfern , C.  
Bingham of Cornhill , CJ.  
J W Kay , J.  
Geoffrey Rivlin  
Charles Harris  
Judith Beloff  
Nicholas P Valios  
L Dickinson*

Dated 10th March 1997

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## EXPLANATORY NOTE

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

These Rules amend the Crown Court (Advance Notice of Expert Evidence) Rules 1987 (“the 1987 Rules”) with effect from 1st April 1997 in relation to proceedings for offences into which no criminal investigation has begun before that date.

Rule 3(2) amends rule 3(1) of the 1987 Rules by inserting references to—

- (a) the transfer of proceedings for trial to the Crown Court under section 4 of the Criminal Justice Act 1987 (serious or complex fraud) or section 53 of the Criminal Justice Act 1991 (certain cases involving children); and
- (b) the preferment of a bill of indictment under section 2(2)(b) of the Administration of Justice (Miscellaneous Provisions) Act 1933 (bill preferred by direction of Court of Appeal, or by direction or with consent of a judge).

The provisions of the 1987 Rules concerning mutual disclosure of expert evidence between the parties to criminal proceedings in the Crown Court following committal or an order for retrial are thereby extended to apply also to such proceedings following a notice of transfer or the preferment of a bill of indictment.

Paragraph (3) of rule 3 makes a minor amendment in rule 3(3) of the 1987 Rules to replace the definition of “document”.