
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 24

DISCLOSURE OF EXPERT EVIDENCE

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Requirement to disclose expert evidence

24.1.—(1) Following—

- (a) a plea of not guilty by any person to an alleged offence in respect of which a magistrates' court proceeds to summary trial;
- (b) the committal for trial of any person;
- (c) 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(1);
- (d) 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(2);
- (e) the sending of any person for trial under section 51 of the Crime and Disorder Act 1998(3);
- (f) the preferring 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(4);
or
- (g) the making of an order for the retrial of any person,

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- (1) 1987 c. 38; section 4 was amended by the Criminal Justice Act 1988 (c. 33), section 144(1) and (2), the Legal Aid Act 1988 (c. 34), Schedule 5, paragraph 22, the Criminal Justice and Public Order Act 1994 (c. 33), Schedule 9, paragraph 29, the Crime and Disorder Act 1998 (c. 37), Schedule 8, paragraph 65 and the Access to Justice Act 1999 (c. 22), Schedule 4, paragraphs 38 and 39. Section 4 is repealed by the Criminal Justice Act 2003 (c. 44), section 41 and Schedule 3, Part 2, paragraph 58(1), (2) and Schedule 37, Part 4, with effect from a date to be appointed.
- (2) 1991 c. 53; section 53 was amended by the Criminal Justice and Public Order Act 1994 (c. 33), Schedule 9, paragraph 49, the Crime and Disorder Act 1998 (c. 37), Schedule 8, paragraph 93 and the Access to Justice Act 1999 (c. 22), Schedule 4, paragraph 47. Section 53 is repealed by the Criminal Justice Act 2003 (c. 44), Schedule 37, Part 4, with effect from a date to be appointed.
- (3) 1998 c. 37; section 51 is substituted by new sections 51 and 51A to 51E by the Criminal Justice Act 2003 (c. 44), Schedule 3, Part 1, paragraphs 15 and 18, with effect from a date to be appointed.
- (4) 1933 c. 36; section 2(2)(b) was amended by the Criminal Appeal Act 1964 (c. 43), Schedule 2, the Supreme Court Act 1981 (c. 54), Schedule 5 and the Prosecution of Offences Act 1985 (c. 23), Schedule 2.

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 or the evidence is the subject of an application for leave to adduce such evidence in accordance with section 41 of the Youth Justice and Criminal Evidence Act 1999⁽⁵⁾—

- (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.

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

(3) In paragraph (1), “document” means anything in which information of any description is recorded.

[Note. Formerly rule 3 of the Magistrates' Courts (Advance Notice of Expert Evidence) Rules 1997⁽⁶⁾ and rule 3 of the Crown Court (Advance Notice of Expert Evidence) Rules 1987⁽⁷⁾. For the equivalent requirement in Crown Court proceedings under Part 2 of the Proceeds of Crime Act 2002 see rule 57.9.]

Withholding evidence

24.2.—(1) If a party has reasonable grounds for believing that the disclosure of any evidence in compliance with the requirements imposed by rule 24.1 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), a party considers that he is not obliged to comply with the requirements imposed by rule 24.1 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 for doing so.

[Note. Formerly rule 4 of the Magistrates' Courts (Advance Notice of Expert Evidence) Rules 1997 and rule 4 of the Crown Court (Advance Notice of Expert Evidence) Rules 1987. For the equivalent exception in Crown Court proceedings under Part 2 of the Proceeds of Crime Act 2002 see rule 57.10.]

Effect of failure to disclose

24.3. A party who seeks to adduce expert evidence in any proceedings and who fails to comply with rule 24.1 shall not adduce that evidence in those proceedings without the leave of the court.

[Note. Formerly rule 5 of the Magistrates' Courts (Advance Notice of Expert Evidence) Rules 1997 and rule 5 of the Crown Court (Advance Notice of Expert Evidence) Rules 1987.]

(5) 1999 c. 23.

(6) S.I. 1997/705.

(7) S.I. 1987/716; amended by S.I. 1997/700 and S.I. 2000/2987.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
