



# Civil Evidence Act 1972

## 1972 CHAPTER 30

### **2 Rules of court with respect to expert reports and oral expert evidence.**

<sup>F1</sup>(1) .....

<sup>F1</sup>(2) .....

(3) Notwithstanding any enactment or rule of law by virtue of which documents prepared for the purpose of pending or contemplated civil proceedings or in connection with the obtaining or giving of legal advice are in certain circumstances privileged from disclosure provision may be made by rules of court—

(a) for enabling the court in any civil proceedings to direct, with respect to medical matters or matters of any other class which may be specified in the direction, that the parties or some of them shall each by such date as may be so specified (or such later date as may be permitted or agreed in accordance with the rules) disclose to the other or others in the form of one or more expert reports the expert evidence on matters of that class which he proposes to adduce as part of his case at the trial; and

(b) for prohibiting a party who fails to comply with a direction given in any such proceedings under rules of court made by virtue of paragraph (a) above from adducing in evidence <sup>F2</sup> . . . , except with the leave of the court, any statement (whether of fact or opinion) contained in any expert report whatsoever in so far as that statement deals with matters of any class specified in the direction.

(4) Provision may be made by rules of court as to the conditions subject to which oral expert evidence may be given in civil proceedings.

(5) Without prejudice to the generality of subsection (4) above, rules of court made in pursuance of that subsection may make provision for prohibiting a party who fails to comply with a direction given as mentioned in subsection (3)(b) above from adducing, except with the leave of the court, any oral expert evidence whatsoever with respect to matters of any class specified in the direction.

(6) Any rules of court made in pursuance of this section may make different provision for different classes of cases, for expert reports dealing with matters of different classes, and for other different circumstances.

---

*Changes to legislation: There are currently no known outstanding effects for the Civil Evidence Act 1972, Section 2. (See end of Document for details)*

---

- (7) References in this section to an expert report are references to a written report by a person dealing wholly or mainly with matters on which he is (or would if living be) qualified to give expert evidence.
- (8) <sup>F3</sup> .....

**Textual Amendments**

- F1** S. 2(1)(2) repealed (31.1.1997) by 1995 c. 38 s. 15(2), Sch.2 (with ss. 1(3), 6(4)(5), 14); S.I. 1996/3217, **art. 2**
- F2** Words in s. 2(3)(b) repealed (31.1.1997) by 1995 c. 38, s. 15(2), **Sch. 2** (with ss. 1(3), 6(4)(5), 14); S.I. 1996/3217, **art. 2**
- F3** S. 2(8) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 165, **Sch. 10**; S.I. 2005/910, **art. 3(y)(aa)(bb)**

**Changes to legislation:**

There are currently no known outstanding effects for the Civil Evidence Act 1972, Section 2.