

UK Register of Expert Witnesses
**Expert Witness
Year Book
2009**

Dr Chris Pamplin, Editor
UK Register of Expert Witnesses



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UK Register of Expert Witnesses
J S Publications
11 Kings Court
Newmarket
Suffolk
CB8 7SG

ISBN 978-1-905926 05 3

First published: January 2009

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Rules in Civil Litigation

Civil Procedure Rules Part 35	10
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Civil Procedure Rules Part 35

The following is taken from the 48th update of the CPR dated November 2008. Source: www.justice.gov.uk

35.1 Duty to restrict expert evidence

Expert evidence shall be restricted to that which is reasonably required to resolve the proceedings.

35.2 Interpretation

A reference to an 'expert' in this Part is a reference to an expert who has been instructed to give or prepare evidence for the purpose of court proceedings.

35.3 Experts – overriding duty to the court

- (1) It is the duty of an expert to help the court on the matters within his expertise.
- (2) This duty overrides any obligation to the person from whom he has received instructions or by whom he is paid.

35.4 Court's power to restrict expert evidence

- (1) No party may call an expert or put in evidence an expert's report without the court's permission.
- (2) When a party applies for permission under this rule he must identify –
 - (a) the field in which he wishes to rely on expert evidence; and
 - (b) where practicable the expert in that field on whose evidence he wishes to rely.
- (3) If permission is granted under this rule it shall be in relation only to the expert named or the field identified under paragraph (2).
- (4) The court may limit the amount of the expert's fees and expenses that the party who wishes to rely on the expert may recover from any other party.

35.5 General requirement for expert evidence to be given in a written report

- (1) Expert evidence is to be given in a written report unless the court directs otherwise.
- (2) If a claim is on the fast track, the court will not direct an expert to attend a hearing unless it is necessary to do so in the interests of justice.

35.6 Written questions to experts

- (1) A party may put to –
 - (a) an expert instructed by another party; or
 - (b) a single joint expert appointed under rule 35.7

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Rules in Criminal Litigation

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Criminal Procedure Rules Part 33

The following is taken from the 7th update of the Rules dated September 2008. Source: www.justice.gov.uk

[Note. See rule 2.1(4) for the application of the rules in this Part. Part 24 contains rules about the disclosure of the substance of expert evidence. For the use of an expert report as evidence, see section 30 of the Criminal Justice Act 1988.]

33.1 Reference to expert

A reference to an 'expert' in this Part is a reference to a person who is required to give or prepare expert evidence for the purpose of criminal proceedings, including evidence required to determine fitness to plead or for the purpose of sentencing.

[Note. Expert medical evidence may be required to determine fitness to plead under section 4 of the Criminal Procedure (Insanity) Act 1964. It may be required also under section 11 of the Powers of Criminal Courts (Sentencing) Act 2000, under Part III of the Mental Health Act 1983 or under Part 12 of the Criminal Justice Act 2003. Those Acts contain requirements about the qualification of medical experts.]

33.2 Expert's duty to the court

- (1) An expert must help the court to achieve the overriding objective by giving objective, unbiased opinion on matters within his expertise.
- (2) This duty overrides any obligation to the person from whom he receives instructions or by whom he is paid.
- (3) This duty includes an obligation to inform all parties and the court if the expert's opinion changes from that contained in a report served as evidence or given in a statement under Part 24 or Part 29.

33.3 Content of expert's report

- (1) An expert's report must -
 - (a) give details of the expert's qualifications, relevant experience and accreditation;
 - (b) give details of any literature or other information which the expert has relied on in making the report;
 - (c) contain a statement setting out the substance of all facts given to the expert which are material to the opinions expressed in the report or upon which those opinions are based;
 - (d) make clear which of the facts stated in the report are within the expert's own knowledge;
 - (e) say who carried out any examination, measurement, test or experiment which the expert has used for the report and,

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Rules in Family Litigation

Practice Direction – Experts in Family Proceedings relating to Children	72
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Practice Direction – Experts in Family Proceedings relating to Children

Source: www.justice.gov.uk

The Practice Direction below is made by the President of the Family Division under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and is approved by the Lord Chancellor.

1. Introduction

1.1 This Practice Direction deals with the use of expert evidence and the instruction of experts in family proceedings relating to children, and comes into force on 1 April 2008. The guidance supersedes, for such proceedings, that contained in Appendix C (the Code of Guidance for Expert Witnesses in Family Proceedings) to the Protocol of June 2003 (Judicial Case Management in Public Law Children Act Cases) and in the Practice Direction to Part 17 (Experts) of the Family Procedure (Adoption) Rules 2005¹ ('FP(AR) 2005') with effect on and from 1 April 2008.

Where the guidance refers to 'an expert' or 'the expert', this includes a reference to an expert team.

1.2 For the purposes of this guidance, the phrase 'family proceedings relating to children' is a convenient description. It is not a legal term of art and has no statutory force. In this guidance it means²:

- placement and adoption proceedings, or
- family proceedings held in private which:
 - relate to the exercise of the inherent jurisdiction of the High Court with respect to children,
 - are brought under the Children Act 1989 in any family court, or
 - are brought in the High Court and county courts and 'otherwise relate wholly or mainly to the maintenance or upbringing of a minor'.

Aims of the guidance

- 1.3 The guidance aims to provide the court in family proceedings relating to children with early information to determine whether an expert or expert evidence will assist the court to:
- identify, narrow and where possible agree the issues between the parties;
 - provide an opinion about a question that is not within the skill and experience of the court;

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Miscellaneous

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GMC guidelines: Acting as an expert witness

Source: www.gmc-uk.org

- 1 Our core guidance *Good Medical Practice* sets out the principles which underpin good care. When doctors act as expert witnesses, they take on a different role from that of a doctor providing treatment or advice to patients. The principles set out in *Good Medical Practice* also apply to doctors working as expert witnesses.
- 2 In paragraphs 63-67 of *Good Medical Practice* we say
 - You must be honest and trustworthy when writing reports and when completing or signing forms, reports and other documents.
 - You must always be honest about your experience, qualifications and position, particularly when applying for posts.
 - You must do your best to make sure that any documents you write or sign are not false or misleading. This means that you must take reasonable steps to verify the information in the documents, and that you must not deliberately leave out relevant information.
 - If you have agreed to prepare a report, complete or sign a document or provide evidence, you must do so without unreasonable delay.
 - If you are asked to give evidence or act as a witness in litigation or formal inquiries, you must be honest in all your spoken and written statements. You must make clear the limits of your knowledge or competence.
- 3 This guidance explains how the principles set out in *Good Medical Practice* apply to the work of the medical expert witness. It also lists other sources of information and advice. If you have concerns arising from an appointment as a medical expert witness, you should consider seeking advice from the GMC, your medical defence body or professional association.
- 4 Serious or persistent failure to follow this guidance will put your registration at risk.

The role of the expert witness

- 5 The role of an expert witness is to assist the court on specialist or technical matters within their expertise¹. The expert's duty to the court overrides any obligation to the person who is instructing or paying them². This means that you have a duty to act independently and not be influenced by the party who retains you.

1 Doctors are not necessarily expert witnesses. They may also be witnesses of fact (testifying about events that they themselves have observed) or professional witnesses (giving evidence regarding a particular patient that they have treated).

2 Civil Procedure Rules Part 35.3, Criminal Justice Procedure Rules Part 33.2, Rule 156 of the draft Family Procedure Rules.

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Addresses

Courts in England and Wales	117
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Courts in England and Wales

Source: www.hmcourts-service.gov.uk

Aberdare County Court, The Court House, Cwmbach Road, Aberdare, Glamorgan, Wales, CF44 0NW
DX 99600 Aberdare 2
Switchboard: 01685 888575, General Fax: 01685 883413

Aberdare Magistrates' Court, The Court House, Cwmbach Road, Aberdare, Glamorgan, Wales, CF44 0NW
Switchboard: 01685 721731 - Administration done at Merthyr Tydfil,
General Fax: 01685 888577

Abergavenny Magistrates' Court, Tudor Street, Abergavenny, Monmouthshire, Wales, NP7 5DL
DX 43665 Cwmbraun
Switchboard: 01633 645000, General Fax: 01633 645177

Abertillery Magistrates' Court, Spring Bank, Abertillery, Gwent, Wales, NP13 1PB
Switchboard: 01633 645000, General Fax: 01633 645177

Aberystwyth County Court, Edleston House, Queens Road, Aberystwyth, Ceredigion, Wales, SY23 2LP
DX 99560 Aberystwyth 2
Switchboard: 01970 636370, General Fax: 01970 625985

Aberystwyth Magistrates' Court, Swyddfa'r Sir, Aberystwyth, Ceredigion, Wales
General Office: 01545 570886, General Fax: 01545 570295,
Central Finance Office: 01437 771201

Accrington County Court, Bradshawgate House, 1 Oak Street, Accrington, Lancashire, BB5 1EQ
DX 702645 Accrington 2
Switchboard: 01254 237490, General Fax: 01254 393869

Accrington Magistrates' Court, The Law Courts, Manchester Road, Accrington, Lancashire, BB5 2BH
Switchboard: 01254 687500, General Fax: 01254 687524

Acton Magistrates' Court, Winchester Street, Acton, London, W3 8PB
DX 5166 Ealing
Switchboard: 0845 601 3600, General Fax: 020 8993 9647

Administrative Court, Administrative Court Office, The Royal Courts of Justice, Strand, London, WC2A 2LL
DX 44450 RCJ/Strand
Switchboard: 020 7947 6000

Admiralty Court, The Royal Courts of Justice, Strand, London, WC2A 2LL
Tel: 020 7947 6112, Fax: 020 7947 6245

Aldershot & Farnham County Court, 78-82 Victoria Road, Aldershot, Hampshire, GU11 1SS
DX 98530 Aldershot 2
Switchboard: 01252 796800, General Fax: 01252 345705

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Calendars

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Year-to-view

January 2009						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February 2009						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
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15	16	17	18	19	20	21
22	23	24	25	26	27	28

March 2009						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April 2009						
S	M	T	W	T	F	S
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19	20	21	22	23	24	25
26	27	28	29	30		

May 2009						
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June 2009						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July 2009						
S	M	T	W	T	F	S
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August 2009						
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September 2009						
S	M	T	W	T	F	S
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2009						
S	M	T	W	T	F	S
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4	5	6	7	8	9	10
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25	26	27	28	29	30	31

November 2009						
S	M	T	W	T	F	S
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8	8	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December 2009						
S	M	T	W	T	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Month-to-view

January 2009						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 Bank Holiday	2 Bank Holiday in Scotland	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

The **Expert Witness Year Book** is designed as an annual ready-reference to information relevant to busy expert witnesses. With rules, guidance, addresses and much else beside, you can slip the **Expert Witness Year Book** into your bag and be the expert with the facts at your fingertips!

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ISBN 978-1-905926-05-3

