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STATUTORY INSTRUMENTS

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**2017 No. 1035**

**The Court of Protection Rules 2017**

**PART 15** **E+W**

**EXPERTS**

**Court's power to restrict expert evidence** **E+W**

**15.5.**—(1) Subject to rule 15.2, no party may file or adduce expert evidence unless the court or a practice direction permits.

(2) When a party applies for a direction under this rule, that party must—

- (a) identify the field in respect of which that party wishes to rely upon expert evidence, and the issues to which the expert evidence is to relate;
- (b) where practicable, identify the expert in that field upon whose evidence the party wishes to rely;
- (c) provide any other material information about the expert;
- (d) state whether the expert evidence could be obtained from a single joint expert;
- (e) provide any other information or documents required by a practice direction; and
- (f) provide a draft letter of instruction to the expert.

(3) When deciding whether to give permission as mentioned in paragraph (1), the court is to have regard in particular to—

- (a) the issues to which the expert evidence would relate;
- (b) the questions which the expert would answer;
- (c) the impact which giving permission would be likely to have on the timetable, duration and conduct of the proceedings;
- (d) any failure to comply with any direction of the court about expert evidence; and
- (e) the cost of the expert evidence.

(4) Where a direction is given under this rule, the court shall specify—

- (a) the field or fields in respect of which the expert evidence is to be provided;
- (b) the questions which the expert is required to answer; and
- (c) the date by which the expert is to provide the evidence.

(5) The court may specify the person who is to provide the evidence referred to in paragraph (3).

(6) Where a direction is given under this rule for a party to call an expert or put in evidence an expert's report, the court shall give directions for the service of the report on the parties and on such other persons as the court may direct.

(7) The court may limit the amount of the expert's fees and expenses that the party who wishes to rely upon the expert may recover from any other party.

**Changes to legislation:**

There are currently no known outstanding effects for the The Court of Protection Rules 2017, Section 15.