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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 19**

**EXPERT EVIDENCE**

**Introduction of expert evidence**

**19.3.**—(1) A party who wants another party to admit as fact a summary of an expert's conclusions must serve that summary—

- (a) on the court officer and on each party from whom that admission is sought; and
- (b) as soon as practicable after the defendant whom it affects pleads not guilty.

(2) A party on whom such a summary is served must—

- (a) serve a response stating—
  - (i) which, if any, of the expert's conclusions are admitted as fact, and
  - (ii) where a conclusion is not admitted, what are the disputed issues concerning that conclusion; and
- (b) serve the response—
  - (i) on the court officer and on the party who served the summary, and
  - (ii) as soon as practicable, and in any event not more than 10 business days after service of the summary.

(3) A party who wants to introduce expert evidence otherwise than as admitted fact must—

- (a) serve a report by the expert which complies with rule 19.4 (Content of expert's report) on—
  - (i) the court officer, and
  - (ii) each other party;
- (b) serve the report as soon as practicable, and in any event with any application in support of which that party relies on that evidence;

[<sup>F1</sup>(c) serve with the report—

- (i) notice of anything of which the party serving it is aware which might reasonably be thought capable of undermining the reliability of the expert's opinion, or detracting from the credibility or impartiality of the expert, and
- (ii) an explanation of how facts stated in the report are admissible as evidence if that is not explained by the report;]
- (d) if another party so requires, give that party a copy of, or a reasonable opportunity to inspect—
  - (i) a record of any examination, measurement, test or experiment on which the expert's findings and opinion are based, or that were carried out in the course of reaching those findings and opinion, and

(ii) anything on which any such examination, measurement, test or experiment was carried out.

- (4) Unless the parties otherwise agree or the court directs, a party may not—
- (a) introduce expert evidence if that party has not complied with paragraph (3); or
  - (b) introduce in evidence an expert report if the expert does not give evidence in person.

<sup>F2</sup>[<sup>F3</sup>Note. <sup>F3</sup>... .

*A party who accepts another party's expert's conclusions may admit them as fact under section 10 of the Criminal Justice Act 1967 .]*

*Under section 81 of the Police and Criminal Evidence Act 1984(1), and under section 20(3) of the Criminal Procedure and Investigations Act 1996(2), Criminal Procedure Rules may require the disclosure of expert evidence before it is introduced as part of a party's case and prohibit its introduction without the court's permission, if it was not disclosed as required.*

*Under section 30 of the Criminal Justice Act 1988(3), an expert report is admissible in evidence whether or not the person who made it gives oral evidence, but if that person does not give oral evidence then the report is admissible only with the court's permission.]*

*<sup>F4</sup>Evidence of facts which are material to the opinions expressed in an expert report, or upon which those opinions are based, may be admissible if (i) they are within the expert witness' own direct knowledge, or (ii) as hearsay evidence within the meaning of section 114 of the Criminal Justice Act 2003 : see also rule 19.4(b), (c), (d) and (e). Evidence of examinations etc. on which an expert relies may be admissible under section 127 of the 2003 Act . Part 20 contains rules about the introduction of hearsay evidence under other provisions of that Act.]*

#### Textual Amendments

- F1** Rule 19.3(3)(c) substituted (4.10.2021) by [The Criminal Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/849\)](#), rules 1, **7(b)(i)**
- F2** Words in rule 19.3 Note substituted (4.10.2021) by [The Criminal Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/849\)](#), rules 1, **7(b)(ii)**
- F3** Words in rule 19.3 Note omitted (2.10.2023) by virtue of [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rule 1, **Sch. para. 16**
- F4** Words in rule 19.3 Note inserted (4.10.2021) by [The Criminal Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/849\)](#), rules 1, **7(b)(iii)**

#### Commencement Information

- I1** Rule 19.3 in force at 5.10.2020, see Preamble

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(1) [1984 c. 60](#); section 81 was amended by section 109(1) of, and paragraph 286 of Schedule 8 to, the Courts Act [2003 \(c. 39\)](#).  
(2) [1996 c. 25](#); section 20(3) was amended by section 109(1) of, and paragraph 378 of Schedule 8 to, the Courts Act [2003 \(c. 39\)](#).  
(3) [1988 c. 33](#); section 30 was amended by section 47 of, and paragraph 32 of Schedule 1 to, the Criminal Procedure and Investigations Act [1996 \(c. 25\)](#) and paragraph 60 of Schedule 3 and Schedule 37 to the Criminal Justice Act [2003 \(c. 44\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 19.3.