
STATUTORY INSTRUMENTS

2021 No. 849

The Criminal Procedure (Amendment No. 2) Rules 2021

Amendments to the Criminal Procedure Rules

7. In Part 19 (Expert evidence)—

(a) in rule 19.1 (When this Part applies), after paragraph (2) insert—

“(3) Where evidence that is introduced as evidence of fact within a witness’ direct knowledge includes expert opinion the court may direct that the requirements of rules 19.2 (Expert’s duty to the court) and 19.3 (Introduction of expert evidence) apply, to the extent and with such adaptations as the court directs.”;

(b) in rule 19.3 (Introduction of expert evidence)—

(i) for paragraph (3)(c) substitute—

“(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;”

(ii) for the first paragraph of the note to the rule substitute—

“[Note. The Practice Direction sets out a form of notice for use in connection with this rule.

A party who accepts another party’s expert’s conclusions may admit them as fact under section 10 of the Criminal Justice Act 1967(1).”, and

(iii) at the end of the note to the rule insert—

“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(2): 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(3). Part 20 contains rules about the introduction of hearsay evidence under other provisions of that Act.”; and

(c) in rule 19.4 (Content of expert’s report), in the note to the rule omit the second sentence.

(1) 1967 c. 80.

(2) 2003 c. 44.

(3) 2003 c. 44; section 127 was amended by article 3 of, and paragraphs 45 and 50 of the Schedule to, S.I. 2004/2035.