

The Criminal Procedure (Advance Notice of Expert Evidence) Rules, 2003

THE ROYAL COURT, in exercise of the powers conferred upon it by section 11 of the Criminal Procedure and Miscellaneous Provisions (Bailiwick of Guernsey) Law, 2002^a, and of all other powers enabling it in that behalf, hereby orders: -

Provision of expert evidence.

1. (1) Following -
 - (a) the committal for trial of any person;
 - (b) the making of an order for the retrial of any person; or
 - (c) a plea of not guilty in respect of an alleged offence before any court in the Bailiwick exercising a summary jurisdiction,

if any party to the proceedings proposes to adduce expert evidence (whether of fact or opinion) in the proceedings (otherwise than in relation to sentence), he shall as soon as practicable, unless in relation to the evidence in question he has already done so -

- (i) furnish the other party or parties with a statement in writing of any finding or opinion which he proposes to adduce by way of such evidence; and

^a Order in Council No. I of 2003.

(ii) where a request in writing is made to him in that behalf by any other party, provide that party also with a copy of (or if it appears to the party proposing to adduce the evidence to be more practicable, a reasonable opportunity to examine) the record of any observation, test, calculation or document or other thing or substance in respect of which any such procedure has been carried out.

(2) A party may by notice in writing waive his right to be furnished with any of the matters mentioned in paragraph (1) and, in particular, may agree that the statement mentioned in subparagraph (i) thereof may be furnished to him orally and not in writing.

Non compliance with requirements of Rule 1.

2. (1) If a party has reasonable grounds for believing that the disclosure of any evidence in compliance with the requirements imposed by Rule 1 might lead to the intimidation or attempted intimidation, of any person on whose evidence he intends to rely in the proceedings, or otherwise lead to the course of justice being interfered with, he shall not be obliged to comply with those requirements in relation to that evidence.

(2) Where, in accordance with paragraph (1), a party considers that he is not obliged to comply with the requirements imposed by Rule 1 with regard to any evidence in relation to any other party, he shall give notice in writing to that party to the effect that the evidence is being withheld and the grounds therefor.

Admission of evidence where requirements not complied with.

3. A party who seeks to adduce expert evidence in any proceedings and who fails to comply with Rule 1 shall not adduce that evidence in those proceedings without the leave of the court.

Interpretation.

4. (1) In these Rules, unless the context requires otherwise -

“**court**” means any court in the Bailiwick exercising a criminal jurisdiction;

“**document**” means anything in which information of any description is recorded.

(2) The Interpretation (Guernsey) Law, 1948^b shall apply to the interpretation of these Rules.

(3) Any reference in these Rules to an enactment, statutory instrument or rule of court is, unless the context requires otherwise, a reference thereto as amended, re-enacted (with or without modification), extended or applied.

Application of Rules.

5. These Rules shall not have effect in relation to any proceedings in which any of the events mentioned in paragraph (1) (a) to (c) of Rule 1 has occurred before 8th September 2003.

Citation and commencement.

6. These Rules may be cited as the Criminal Procedure (Advance

^b Ordres en Conseil Vol. XIII, p. 355.

Notice of Expert Evidence) Rules, 2003 and shall come into force on the 8th day of September, 2003.