The Criminal Procedure (Amendment) Rules 2019 Criminal Procedure Amendment Rules Coming into force 1st April 2019.

A new Para 19.2 (3)(d)

(d) **to disclose to the party** for whom the expert's evidence is commissioned anything—

(i) of which the expert is aware, and

(ii) of which that party, if aware of it, would be required to give notice under rule 19.3(3)(c

A revision to Para 19.3 (3)(c)

(c) **serve with the report notice** of anything of which the party serving it is aware which might **reasonably** be thought capable of—

(i) undermining the reliability of the expert's opinion, or
(ii) detracting from the credibility or impartiality of the expert;

Guidance on the new 19.2 and 19.3 rules.

In 2018 the Forensic Science Regulator raised concerns that some expert witnesses on occasion have failed to provide those who commission them, or the courts, with fair and accurate accounts of their qualifications and expertise. It received reports from its members of, on the one hand, experts who recognised no obligation to disclose serious criticism by the Court of Appeal and, on the other, experts who thought that they were required to disclose, in one case, fixed penalty notices for parking infractions and, in another, details of matrimonial proceedings, where neither was in any way material to the evidence that they were due to give.

A new Para 19.9 Application to withhold information from another party

19.9.—(1) This rule applies where—

(a) a party introduces expert evidence under rule 19.3(3);

(b) the evidence omits information which it otherwise might include because the party introducing it thinks that that information ought not be revealed to another party; and

(c) the party introducing the evidence wants the court to decide whether it would be in the public interest to withhold that information.

(2) The party who wants to introduce the evidence must—

(a) apply for such a decision; and (b) serve the application on— (i) the court officer, and (ii) the other party, but only to the extent that serving it would not reveal what the applicant thinks ought to be withheld.

(3) The application must— (a) identify the information; (b) explain why the applicant thinks that it would be in the public interest to withhold it; and (c) omit from the part of the application that is served on the other party anything that would reveal what the applicant thinks ought to be withheld.

Para 4-7 not included as procedural for lawyers only.

The old Para 19.9 Courts power to vary, remains the same but is renumbered as **19.10**