STATUTORY RULES OF NORTHERN IRELAND

1997 No. 533

MAGISTRATES' COURTS

The Magistrates' Courts (Advance Notice of Expert Evidence) Rules (Northern Ireland) 1997

Made - - - - 9th December 1997

Coming into operation 1st January 1998

The Lord Chancellor, in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**) and section 20(3) and (4) of the Criminal Procedure and Investigations Act 1996(**2**) and of all other powers enabling him in that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:—

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Advance Notice of Expert Evidence) Rules (Northern Ireland) 1997 and shall come into operation on 1st January 1998.

Application

2. These Rules shall not have effect in relation to any proceedings which relate to an alleged offence into which a criminal investigation has begun before 1st January 1998.

Requirement to disclose expert evidence

3.—(1) Where a magistrates' court proceeds to summary trial in respect of an alleged offence and the person charged with that offence pleads not guilty in respect of it, if any party to the proceedings proposes to adduce expert evidence (whether of fact or opinion) not already disclosed to the other party or parties in the proceedings (otherwise than in relation to sentence) he shall as soon as practicable after the person charged has so pleaded,—

(a) 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

(b) 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,

(**1**) S.I.1981/1675 (N.I. 26)

(**2**) 1996 c. 25; section 20 is modified in its application to Northern Ireland by paragraph 13 of Schedule 4 to the Act