

PRACTICE DIRECTION NO. 7 OF 2014

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEENS BENCH DIVISION

QUEENS BENCH DIVISION (COMMERCIAL)

CHANCERY DIVISION

FAMILY DIVISION

EXPERT'S DECLARATION

Reports prepared on or after 1st January 2015

(1) This Practice Direction sets out the wording of the Expert's Declaration and the Joint Statement Declaration (to be added to the minute of a meeting of experts) to be used in any expert's report or minute of meeting of experts prepared on or after **1ST JANUARY 2015**.

(2) The report of an expert witness shall contain the Expert's Declaration set out in Annex A.

(3) A minute of the meeting prepared after discussions between expert witnesses shall contain the Joint Statement Declaration set out in Annex B.

(4) Declarations should be inserted between the end of the report or minute of meeting and the expert's signature.

(5) The Expert's Declarations contained in Practice Direction 6/2002 (Commercial List) and Practice Direction 11/2003 (Queens Bench) shall not apply to expert's reports prepared on or after 1st January 2015.

Dated this 17th day of December 2014

The Right Honourable Sir Declan Morgan

Lord Chief Justice

ANNEX A

EXPERT'S DECLARATION

I [*Insert Full Name*] DECLARE THAT:

1. I understand that my duty in providing written reports and giving evidence is to help the Court, and that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied and will continue to comply with my duty.
2. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
3. I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
4. I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
5. I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affects my answers to points 3 and 4 above.
6. I have shown the sources of all information I have used.
7. I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
8. I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
9. I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including my instructing lawyers.
10. I will notify those instructing me immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.
11. I understand that -
 - a. my report will form the evidence to be given under oath or affirmation;
 - b. questions may be put to me in writing for the purposes of clarifying my report and that my answers shall be treated as part of my report and covered by my statement of truth;
 - c. the Court may at any stage direct a discussion to take place between experts for the purpose of identifying and discussing the expert issues in the proceedings, where possible reaching an agreed opinion on those issues and identifying what action, if any, may be taken to resolve any of the outstanding issues between the parties;

- d. the Court may direct that following a discussion between the experts that a statement should be prepared showing those issues which are agreed, and those issues which are not agreed, together with a summary of the reasons for disagreeing;
- e. I may be required to attend Court to be cross-examined on my report; and
- f. I am likely to be the subject of public adverse criticism by the judge if the Court concludes that I have not taken reasonable care in trying to meet the standards set out above.

STATEMENT OF TRUTH

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Signature

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Date

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ANNEX B

JOINT STATEMENT DECLARATION

DISCUSSIONS BETWEEN EXPERTS

1. We, the undersigned experts, individually here restate the Expert's Declaration that we understand our overriding duties to the Court, have complied with them and will continue so to do.
2. We further confirm that we have neither jointly nor individually been instructed to, nor has it been suggested that we should, avoid or otherwise defer from reaching agreement on any matter within our competence.

Experts' signatures

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Date

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