

## **District Court Rule (Expert Witnesses) 1999**

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 13 May 1999.

J G Cowen

Secretary to the Committee

### **Explanatory note**

The object of this Rule is to amend Part 28, rule 9 of the *District Court Rules 1973*:

- (a) to provide that a party to proceedings who requires the attendance of an expert for cross-examination is to procure the expert's attendance, and
- (b) to require that party to inform all other parties of the requirement to attend, and
- (c) to make it clear that the expert is not to be treated as that party's witness except for the purposes of determining liability for conduct money and witness' expenses.

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## District Court Rule (Expert Witnesses) 1999

### 1 Name of Rule

This Rule is the *District Court Rule (Expert Witnesses) 1999*.

### 2 Commencement

This Rule commences on 1 July 1999.

### 3 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

### 4 Notes

The explanatory note does not form part of this Rule.

## Schedule 1 Amendment

(Clause 3)

### Part 28, rule 9

Insert after Part 28, rule 9 (2):

- (2A) A party who requires the attendance of a person under subrule (2) is to procure that attendance, and, whether the party procures the attendance by the issue and service of a subpoena or otherwise, the person does not thereby become the party's witness except for the purpose of determining any liability for conduct money or witness' expenses.
- (2B) A party who requires the attendance of a person as mentioned in subrule (2A) must, as soon as practicable, inform all other parties to the proceedings that the party has done so.