



## **Proposals on the admissibility of expert evidence in criminal trials**

The current law governing the admissibility of expert evidence in criminal trials is unsatisfactory. If the reliability of expert evidence is in question, there are no clear guidelines for determining whether or not it is sufficiently trustworthy to be considered by the jury.

In a consultation launched today, *The Admissibility of Expert Evidence in Criminal Proceedings in England and Wales (A New Approach to the Determination of Evidentiary Reliability)*, the Law Commission makes provisional proposals for reform and poses some questions for consultees.

Professor Jeremy Horder, the Commissioner leading the project, said:

“The parties in criminal trials are relying increasingly on the evidence of expert witnesses. Expert evidence, particularly scientific evidence, can have a very persuasive effect on juries. It is vital that such evidence should be used only if it provides a sound basis for determining a defendant’s guilt or innocence. There have been miscarriages of justice in recent years where prosecution expert evidence of doubtful reliability has been placed before Crown Court juries. There may also have been unwarranted acquittals attributable to such evidence. We want to ensure that the criminal courts have the means to authenticate expert evidence and be satisfied that the information before them is sound. We have formulated some provisional proposals and questions, and would like to know what others, particularly scientists and other experts, think of them.”

The Commission proposes a new test for determining whether expert evidence should be admitted in a criminal trial. It also recommends new guidelines for Crown Court judges and magistrates’ courts to help them determine whether expert evidence is sufficiently reliable to be admitted.

In addition to its usual consultation process, the Commission has established an interactive online forum, where consultees can view the proposals, make comments and discuss the issues around this important area. The forum can be viewed at [http://www.lawcom.gov.uk/expert\\_evidence.htm](http://www.lawcom.gov.uk/expert_evidence.htm)

### **Notes for Editors**

1. The Law Commission is a non-political independent body, set up by Parliament in 1965 to keep all the law of England and Wales under review, and to recommend reform where it is needed.
2. For further details on this project visit [http://www.lawcom.gov.uk/expert\\_evidence.htm](http://www.lawcom.gov.uk/expert_evidence.htm) or email [expert.evidence@lawcommission.gsi.gov.uk](mailto:expert.evidence@lawcommission.gsi.gov.uk).
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