



Form 11: Application for leave to call expert evidence

Instructional Guide

A Party who seeks to call an expert witness or file a report by an expert in a Challenge Proceeding must first get permission from the Hearing Panel.

The Hearing Rules and Procedures for Part V Challenge Proceedings stipulate that expert evidence must be restricted to what is reasonably required to resolve the Challenge Proceedings justly and in accordance with the overriding objective. If permission is granted, the expert witness must follow the guidelines contained in **Schedule I** of the Hearing Rules and Procedures for Part V Challenge Proceedings.

It is advisable to submit this Form along with Form 8 in the case of an Applicant or Form 9 in the case of a Respondent. In any event, this Form must be submitted to the Secretariat at least two (2) working days prior to the Case Management Conference.

This Form must be filed and served on every Party to the Challenge Proceedings. Form 1: Confirmation of Service must therefore be filed after this Form has been served.

Below is a list of the information that must be stated in each paragraph of Form 11.

ITEM 1

1. Indicate whether the Applicant or Respondent is submitting this Form and state full name and address.

ITEM 2

1. State the name of the expert sought to be presented;
2. State the address of the expert;
3. State the qualifications of the expert;
4. State the issue to be determined by the Office on which the expert will provide evidence;
5. State a summary of the main points of the expert's evidence;
6. List any documents, if any, to which the expert will refer in his evidence;
7. Repeat for other experts.

ITEM 3

1. For each expert listed at Item 2, state the basis/ grounds for seeking permission to call the expert at the Hearing of the Challenge Proceedings. The Party must clearly show how the expert's evidence is reasonably required for the resolution of the issues in the Challenge Proceedings in accordance with the overriding objective of dealing with cases fairly and justly.