

## **B.M.C. REGISTER OF EXPERT WITNESSES**

### **1. Introduction:**

- 1.1. British Mountaineering Council (BMC) is the national representative body for climbers, hill walkers and mountaineers in England and Wales and is recognised as such by government. BMC is committed to promoting the interests of climbers, hill walker and mountaineers and good practice in all activities related to these pursuits.
- 1.2. Experience indicates that the activities of climbers, hill walkers and mountaineers will from time to time result in litigation. BMC recognises that the conduct of litigation will necessitate the involvement of expert witnesses. BMC considers that it is in the interests of the mountaineering community, the parties to litigation, the courts and the legal profession that expert witnesses in cases concerning climbing, hill walking and mountaineering are known to be authoritative in their respective areas of expertise. As the national representative body, BMC wishes to ensure this is the case.
- 1.3. To this end BMC has created a **Register of Expert Witnesses**. In order to ensure that persons admitted to the Register are authoritative, applicants must demonstrate their expertise by complying with appropriate criteria. The Register will be available to the public and widely promoted.

### **2. Criteria for admission to the Register of Expert Witnesses:**

- 2.1 Applicants must comply with the following criteria:-
  - (i) Relevant qualification
  - (ii) Relevant mountaineering experience.
  - (iii) Understanding of the role and obligations of an expert witness.
  - (iv) Completion of a personal declaration.
  - (v) Attendance at a BMC briefing session.
  - (vi) Compliance with BMC conditions of registration.

Further details of these are set out below.

- 2.2 The criteria listed above in respect of qualifications and experience in climbing, hill walking or mountaineering and as to the role and obligations of an expert witness are intended to provide an objective measure of ability, experience and suitability to act as an expert witness and therefore for admission to the Register. BMC recognises that there may be individuals who do not have a particular qualification, who cannot demonstrate relevant mountaineering experience or who have not attended an expert witness training course, but nevertheless may have other qualities or experience which enables them to demonstrate that they are suitable to act as expert witnesses. BMC is willing to consider applications from such persons conditional on them supplying such information as BMC considers appropriate, attending for interview by a panel appointed by BMC and on that panel being satisfied that such applicants are suitable.
- 2.3 The interview panel referred to at 2.2 will comprise not less than three people including an officer of BMC, a representative from the area of training standards and a lawyer

### **3. Relevant Qualifications:**

- 3.1 Applicants will normally be expected to:-

- 3.1.1 hold a professional mountaineering or climbing qualification or;
- 3.1.2 be an officer (or ex-officer) of a mountaineering council or;
- 3.1.3 be a member of a specialist committee of a mountaineering council.

3.2 Relevant professional mountaineering/climbing qualifications include the following:-

- 3.2.1 Mountaineering Instructor's Certificate
- 3.2.2 Mountain Guide recognised by the International Federation of Mountain Guides Associations.
- 3.2.3 Mountaineering Instructor's Award
- 3.2.4 International Mountain Leader

3.3 Mountaineering Councils include the following:-

- 3.3.1 British Mountaineering Council
- 3.3.2 Mountaineering Council of Scotland
- 3.3.3 Mountaineering Council of Ireland
- 3.3.4 Any other federation that is a member of U.I.A.A.

#### **4. Relevant experience:**

The minimum length of experience required for admission to the Register is five years experience as a climber, hill walker and mountaineer. Experience may include that gained as an amateur or professional, but in the case of that gained as an amateur the applicant will need to demonstrate the level of activity within each year of experience and provide referees satisfactory to BMC.

#### **5. Expert Witness Training:**

BMC provides expert witness training for those people wishing to become expert witnesses and recognises that a number of other organisations also provide such training. Attendance on a recognised course (which will be in the discretion of BMC) is mandatory for admission to the BMC Register of Expert Witnesses. Further information regarding the BMC expert witness training programme is set out below.

#### **6. Personal declaration:**

Admission to the Register will be conditional on the applicant completing a declaration to the effect that the applicant has no criminal convictions (save and except those listed therein) and is not aware of any other reason which might prejudice his/her suitability to act as an expert witness and will agree to disclose any such that may arise whilst he/she remains on the register at the earliest opportunity.

#### **7. Briefing:**

Admission to the Register will be conditional on attendance at a BMC briefing session at which BMC will explain its motivation in creating and maintaining the Register and will explain its expectations of expert witnesses.

## **8. Curriculum Vitae:**

- 8.1 Admission to the Register will be conditional on the applicant providing a curriculum vitae summarising his/her experience of climbing, hill walking and mountaineering, both in a personal and (if appropriate) professional capacity and listing his/her activities as an expert witness.
- 8.2 It is a requirement that the applicant's C.V. is updated annually. The Register will be updated annually and persons who have not updated their C.V. within three months after the due date will be removed from the Register.

## **9. Case reporting system:**

- 9.1 BMC maintains a register of legal cases that have arisen in connection with climbing, hill walking and mountaineering and of issues that have arisen in those contexts. The purpose of this exercise is to assist BMC in identifying issues of concern to the mountaineering community with a view to providing it with the opportunity to take action in the interests of that community. Such action may involve training, equipment, insurance or other matters.
- 9.2 BMC registered expert witnesses are required to submit non-confidential data in respect of cases in which they have been involved within three months of judgement or the expert witness becoming aware that the case has settled. Where the identity of participants to litigation or prospective litigation is not in the public domain their anonymity should be preserved. The register of cases will be available to the public.

## **10. Training:**

- 10.1 BMC will arrange training courses for expert witnesses at such frequency, date, and location as BMC considers appropriate from time to time. BMC will charge a fee for attendance on a course at a rate that is intended to cover the cost of delivery of the course.
- 10.2 It is anticipated that the course content will include the matters set out below and such other matters as the BMC considers appropriate from time to time:-

Duty of experts	Law of contract	Civil procedure
Report writing	Law of tort	Criminal procedure
Giving evidence	Law of crime	Meetings of joint experts
Cross examination	Bolam test	Common problems
Fees		

- 10.3 Allocation of places on training courses will be done on a first come first served basis of those meeting the criteria. A selection panel consisting of one representative from each of the following: BMC, MLTUK and a BMC Legal Advisor, will assess applications against the criteria for admission to the Register of Expert Witnesses.

Adopted 13 June 2005