

PRACTICE DIRECTION 7B

MEDICAL EXAMINATIONS ON APPLICATIONS FOR ANNULMENT OF A MARRIAGE

This Practice Direction supplements FPR Part 7, rule 7.26 (Medical examinations in proceedings for nullity of marriage)

- 1.1** Where an application is made for the annulment of a marriage based on the incapacity of one of the parties to consummate, it will not usually be necessary to appoint a medical examiner where the application is undefended. Where the application is defended the court should not appoint a medical examiner unless it appears necessary to do so for the proper disposal of the case.
- 1.2** A medical examination ordered under rule 7.26 must, if the party to be examined so requests, be conducted by a doctor of the same gender as the person to be examined. Unless both parties are to be examined, each by a doctor of their own gender, it should not normally be necessary to appoint more than one medical examiner.
- 1.3** The costs of any medical examination ordered under rule 7.26 will be borne, in the first instance, by the party on whose application the medical examiner is appointed. Such costs form part of the costs of the proceedings.
- 1.4** It is the responsibility of the party on whose application the medical examiner is appointed to address, at the case management hearing, the question of whether any medical examiner is required to attend the final hearing of the proceedings. A medical examiner who is to give evidence at the proceedings is to be treated as an expert witness and the relevant rules in Part 25 (Experts and Assessors) will apply. The relevant rules in Part 25 will also apply to the medical examiner's report.
- 1.5** Nothing in this Practice Direction or in rule 7.26 affects the parties' right to adduce other evidence relevant to the proper disposal of the case. Such evidence must be verified by a statement of truth.

