

For use in Arbitration & other tribunals this Declaration should be inserted into the Expert's Report between the end of the report and the Expert's signature.

I.....**DECLARE THAT:**

[INSERT FULL NAME]

1. I understand that my duty in providing written reports and giving evidence is to help the Arbitral Tribunal, and that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied and will continue to comply with my duty.
2. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
3. I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
4. I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
5. I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affect my answers to points 3 and 4 above.
6. I have shown the sources of all information I have used.
7. I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
8. I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
9. I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including my instructing lawyers.
10. I will notify those instructing me immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.
11. I understand that;
 - 11.1 my report will form the evidence to be given, which may be under oath or affirmation;
 - 11.2 questions may be put to me in writing for the purposes of clarifying my report and that my

This version applies from 11th June 2008

answers shall be treated as part of my report and covered by my statement of truth;

- 11.3 the tribunal may at any stage, direct a discussion to take place between experts for the purpose of identifying and discussing the expert issues in the proceedings, where possible reaching an agreed opinion on those issues and identifying what action, if any, may be taken to resolve any of the outstanding issues between the parties;
 - 11.4 the tribunal may direct that following a discussion between the experts that a statement should be prepared showing those issues which are agreed, and those issues which are not agreed, together with a summary of the reasons for disagreeing;
 - 11.5 I may be required to attend the arbitral hearing to be cross-examined on my report by a cross-examiner assisted by an expert;
 - 11.6 I am likely to be the subject of adverse criticism by the tribunal if it concludes that I have not taken reasonable care in trying to meet the standards set out above.
12. I have acted in accordance with the Code of Practice for Experts.
13. [I have read the Protocol for the use of Party-Appointed Expert Witnesses in International Arbitration and confirm that my report has been prepared in accordance with its requirements.]
(This paragraph only for use with international arbitration)

STATEMENT OF TRUTH

I confirm that, insofar as the facts stated in my report are within my own knowledge, I have made clear which they are and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.

Signature..... Date.....

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