

13. Practice Direction No 3 of 2001 - Medical evidence – Hospital records

Section 12(2) of the *Evidence Act* provides:

“(2) A Medical practitioner shall not, without the consent of his patient, divulge in any civil proceedings (unless the sanity of the patient is the matter in dispute) any communication made to him in his professional character by the patient, and necessary to enable him to prescribe or act for the patient.”

If a medical practitioner is asked or subpoenaed to give evidence, it is the obligation of the legal practitioner to inform the medical practitioner of s12(2).

Medical records should be produced to the Registrar in accordance with O.42.06 or to the Court on the return date of the subpoena. It will be for the Court to determine whether and to what extent the parties may be permitted access to the records.

31 January 2001