

R. v. Criminal Injuries Compensation Board, ex p.  
Amrik Singh

CO/1432/94

May 25, 1995

Laws J.

*Refusal to allow oral hearings before Criminal Injuries Compensation Board.*

Application for judicial review of a decision of the Criminal Injuries Compensation Board (CICB) to allow oral hearings for applications for compensation by the applicant, Amrik Singh relating to injuries allegedly suffered from attacks made upon him whilst he was in prison. The applicant applied to the CICB for compensation in relation to two assaults sustained in two separate prisons. The applications were dealt with by letters in similar vein which stated that, under paragraph 6(c) of the scheme, compensation was being withheld because, in view of the applicant's list of convictions, it was inappropriate that an award should be made from public funds.

The applicant then applied for oral hearings of his applications as he was entitled to do under paragraph 24(c) of the scheme. These applications were considered by two members of the CICB and refused.

Paragraph 6(c) reads:

"The Board may withhold or reduce compensation if they consider that . . .

- (c) having regard to the conduct of the applicant before, during or after the events giving rise to the claim or to his character as shown by his criminal convictions or unlawful conduct . . . it is inappropriate that a full award, or any award at all, be granted."

Paragraph 24(c) reads:

"An applicant will be entitled to an oral hearing only if . . .

- (c) no award or a reduced award was made and there is a dispute as to the material facts or conclusions upon which the initial or reconsidered decision was based or it appears that the decision may have been wrong in law or principle."

It was revealed by the applicant in his submissions to the CICB that he had been a police informer and it was this fact which had led to the assaults upon him in prison. According to the guidelines attached to the CICB Scheme, the board can take account of any attempt the applicant has made to reform himself and could approach sympathetically an application from someone who had been injured whilst giving assistance to the police even though he had a bad record of previous convictions.

The applicant submitted that it was plain that these matters had not been taken into account by the board member who refused his initial application.

Consequently, the decision not to allow an oral hearing was also subject to challenge.

***Held, allowing the application:***

The unusual and important circumstance that this applicant was an informer and had been assaulted as a result was necessarily relevant to any reasonable decision-maker in the position of the board member who took the original decision. The circumstances were so special that it was inevitable that that consideration must have been regarded as relevant to the Clause 6(c) decision to refuse an oral hearing. It was accordingly inevitable that the board must, if it had directed itself correctly, have concluded that the earlier decision may have been wrong in law.

*G. A. Morris* (Edwards Frai Abrahamson) for the applicant; *M. Fordham* (Treasury Solicitor) for the respondent.

S.M.K.