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Neutral Citation Number: [2001] EWHC Admin 1021  
IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
THE ADMINISTRATIVE COURT

NO:CO/3571/2001

Royal Courts of Justice  
Strand  
London WC2

Wednesday, 28th November 2001

Before:

MR JUSTICE MOSES

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THE QUEEN ON THE APPLICATION OF MATIN

-v-

CRIMINAL INJURIES COMPENSATION AUTHORITY

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Computer-Aided Transcript of the stenograph notes of  
Smith Bernal Reporting Limited,  
190 Fleet Street, London EC4A 2AG  
Telephone No: 020 7404 1400 Fax No: 020 7404 1424  
(Official Shorthand Writers to the Court)  
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MR MATIN appeared in person  
The Respondent was not represented

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J U D G M E N T  
(As Approved by the Court)

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1. **MR JUSTICE MOSES:** This is an application for permission to challenge a decision of the Criminal Injuries Compensation Appeal Panel, whereby, in concluding that there was no loss of earnings, it refused to consider a report produced before it from Dr. Ransford, which set out a number of continuing disabilities, from which this claimant asserts he suffered as a result of an assault of which he was unfortunately a victim back in 1996.
2. The matter has a somewhat sad history because, as I understand it, originally the claim was refused, but subsequently on appeal the panel accepted that it would not be right to refuse compensation on the grounds of the claimant's own conduct. The matter came before the panel on 8th April 1998. At that hearing the claimant had not produced evidence of his loss of earnings; it was determined that, as a result of a dislocated shoulder, from which the panel found the claimant had fully recovered, he was awarded £1,750, and for minor multiple injuries £100, making a total of £1,850. The hearing was then adjourned for loss of earnings enquiries to be made by the authority.
3. The matter then came back before the panel on 25th July 2001 and on that occasion, as is recorded in a document dated 26th July, the medical evidence available to the panel in April 1998 did not support any continuing disability. It goes on:  
"Since then the applicant has obtained further medical reports and on the basis of those asks us to re-open the decision made on his physical injuries. We cannot do so. The decision of the Panel is final..."
4. That, as it seems to me, was wholly correct within the terms of the scheme. The Panel had made a ruling as to the extent of the injuries in relation not only to their gravity but the length of time over which the claimant had suffered from these unfortunate injuries. Therefore, under the terms of scheme, it was not open to the claimant to produce and rely on further evidence, which asserted that the injuries were far more grave and their effect not only had lasted much longer but was continuing. That was not permissible. All that remained in 2001 for the panel to determine was loss of earnings. That they did.
5. The claimant has argued before me that this was a wholly wrong approach, that there were a number of documents that inaccurately recorded the state of the injuries. Some of those he contends were falsified and it is said that the panel acted in collusion with those who were making false assertions minimising his injuries.
6. I have every sympathy for him. I have seen the report of Doctor Ransford. Clearly it presented a very different picture, but it was not open to the panel and certainly is not open to this court to re-open the question of the quantum of his injuries and the length of time he suffered from them. All that was open to the panel was to determine the loss of earnings in respect of the period of suffering they have already considered.
7. There are provisions under the scheme for re-opening a case. Whether they could possibly avail the claimant is a matter of grave doubt:

"The claims officer may ... re-open a case where there has been such a material change in the victim's medical condition that injustice would occur if the original assessment of compensation were allowed to stand... " (See paragraphs 56 and 57.)

8. The claimant before me very fairly has accepted that he does not fall within those provisions because no such material change had occurred.
9. This really is a sad case. The claimant's evidence that he now seeks to rely upon was not available to him for whatever reason when the matter came before the panel in 1998. Thus, it was not surprising they concluded that the injuries from which he suffered had lasted but for a short period.
10. There is unfortunately nothing that this court can do to assist the claimant because there is no arguable case that the panel's approach to the attempt to adduce this fresh evidence was wrong in law. In my judgment it was not and permission is refused.

MR MATIN: My Lord, do I need permission to appeal to the Court of Appeal?

MR JUSTICE MOSES: You do not need permission to appeal to the Court of Appeal. You can renew your application before them. I am not advising you to do that but it is perfectly open to you to advance the same claim to them that you have advanced before me. You do not need any permission from me.

MR MATIN: My Lord, can I have your transcript of judgment at public expense?

MR JUSTICE MOSES: Yes. I shall order that the transcript be obtained and sent to you at public expense.

MR MATIN: Thank you, my Lord.