



FIRST TIER TRIBUNAL

criminal injuries compensation

Criminal Injuries Compensation Schemes 1996/2001/2008 (the Scheme)

Practice Statement CI-5

Listing of appeal hearings; postponement of hearings

Background

1. When a date for an oral appeal hearing has been fixed, parties notified, witnesses invited and a Hearing Panel appointed, a postponement causes wasted resources and delays to hearings of other appeals. Compliance with this Practice Statement is essential to avoid delays and wasted resources and is generally in the interests of justice.
2. Definition of “postponement” and “adjournment”:-
 - *postponement* - where, before the hearing has commenced, a case is taken out of the list - this can be on or before the date fixed for the hearing;
 - *adjournment* - where, after the hearing has commenced, the Panel decides that, for whatever reason, the appeal cannot be finalised and has to put off making a final decision to another date.

Obligation to keep the Tribunal informed of any “dates to avoid”

3. Following confirmation by the Tribunal that an oral hearing for the appeal has been granted, all parties must inform the Tribunal in writing and with reasons of any hearing dates they wish to avoid. Save in exceptional circumstances, the unavailability of a particular representative or Appellant’s work commitments will not be accepted as a valid reason to postpone a hearing.

The Tribunal’s listing policy

4. A case will be listed for oral hearing as soon as possible after:-
 - both the Criminal Injuries Compensation Authority (the Authority) and Appellant have provided within the time permitted under the First-tier (Social Entitlement) Rules 2008 or other case management directions issued in a particular case all documents ready for the appeal hearing or;
 - (of its own motion or following a request made by the Authority or Appellant), the Tribunal gives notice that the appeal will be listed for an oral hearing or oral directions hearing.
5. The Tribunal will consider on its merits a written request to avoid a particular date or dates that has been made in compliance with paragraph 3 above.
6. The length of time before a case is listed for hearing will depend on issues such as:-
 - the frequency of sittings at the particular hearings venue;
 - the number of other appeals awaiting a hearing at that venue;

- the availability of relevant witnesses whose oral evidence has been identified as likely to assist the panel who will hear and decide the appeal;
 - any other factors considered by the Tribunal to be relevant.
7. The tribunal will give at least 14 days notice of the hearing, unless a party has agreed to accept shorter notice.
 8. Once notice of the hearing has been given, the presumption will be that the Tribunal will refuse a postponement request. Only where there are compellingly good reasons for the late postponement request will the hearing be postponed in advance of the hearing date.

Applications to postpone hearings – before the date of the hearing

9. An application before the hearing date to postpone an oral hearing (including an oral directions hearing) must be made in writing addressed to The Tribunals Service - Criminal Injuries Compensation at Wellington House, 134-136 Wellington Street, Glasgow G2 2XL It must be made at the earliest possible time, include all reasons for the postponement request **and be supported by appropriate documentary evidence, e.g. a medical certificate.**
10. A hearing date will remain effective until such time as the Tribunal notifies the parties that a postponement request has been granted. Unless the Tribunal has informed the parties that a postponement request has been granted, all concerned should proceed on the basis that the hearing will go ahead on the stated date. It must not be assumed that a postponement application will be granted, even if the Authority and Appellant both support a postponement request.

Applications to postpone hearings – on the day of the hearing

11. An application to postpone made on the day of the hearing will be considered by the panel appointed to hear the appeal. The Panel will decide whether to postpone the hearing taking the above-mentioned considerations into account.

Power to proceed in absence of a party

12. If a party fails to attend a hearing, the Tribunal may proceed with the hearing and make a final decision and the Appellant is referred to Rule 27 of The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008. A copy of the Rules can be found on the Tribunal's web site.

Directions

13. A Tribunal Judge or Member, or a panel at a hearing, may at any time give directions for the future progress of the appeal.

Anthony Summers
Principal Judge
8 August 2010