



FIRST TIER TRIBUNAL

criminal injuries compensation

Practice Statement CI-3

specialist evidence

Commissioning specialist evidence

1. Where both the Appellant* and the Criminal Injuries Compensation Authority (the Authority) agree that a specialist report is necessary, the specialist will be jointly instructed and the specialist's reasonable fee will be paid by the Authority.
2. Save in exceptional circumstances, the Tribunal will not normally direct the Authority to reimburse to an Appellant any fee or part of a fee paid by or on behalf of the Appellant to a specialist where the Appellant has not given notice to the Authority of the intention to commission a report from a specialist and has not sought to agree with the Authority the need for the relevant report and the identity of the specialist to be instructed.
3. Where the Authority and Appellant do not agree on the need for a report from a specialist or the identity of the specialist from whom such report should be commissioned, either party may make written application to the Tribunal for directions.

Disclosure of specialist evidence

4. Failure by or on behalf of the Appellant promptly or at all to disclose to the Authority and the Tribunal any specialist report in the possession of the Appellant relating directly or indirectly to the relevant injury may result in the Tribunal not admitting such evidence and/or striking out a part of or the whole of a claim or deciding to withhold or reduce an award under paragraph 13(c) of the Scheme (failure to give reasonable assistance in connection with the application).

*** The term "Appellant" in this direction shall be deemed to include Appellant's representative where there is one.**

Anthony Summers
Principal Judge
8 August 2010