

Cooper v Wandsworth Board of Works (1863) 14 CB(NS) 180

<https://lawcasesummaries.com/knowledge-base/cooper-v-wandsworth-board-of-works-1863-14-cbns-180/>

Facts

- Cooper owned a block of land in Wandsworth
- The relevant statute provided that to build on the land, a person must provide 7 days' notice to the Board of Works.
- Cooper admitted he did meet these requirements, but built his house anyway.
- The Board of Works ordered the house be demolished, without getting any further information from Cooper.

Issue

- Did Cooper have a right to be heard before a decision was made?

Held

- This early case is extremely significant in regards to natural justice and the right to be heard.
- Byles J stated that where the legislature is silent on matters relating to due process, the judicature can supplement them.
- Each of the Judges held that it was a principle that a decision should not be made without first seeking an explanation from the person whose rights would be affected. This is especially the case where the impact on the rights is extremely serious.
- They explained that Cooper may have had an explanation - in fact there was some argument about whether or not he had posted the notice - and therefore the Board of Works should have sought his response before the decision was made.

Quotes

- "I apprehend that a tribunal which is by law invested to affect the property of one of Her Majesty's subjects, is bound to give such subject an opportunity of being heard before it proceeds: and that that rule is of universal application, and founded upon the plainest principles of justice." [190]
- "I cannot conceive any harm that could happen to the district board from hearing the party before they subjected him to a loss so serious as the demolition of his house; but I can conceive a great many advantages which might arise in the way of public order, by way of doing substantial justice, and in the way of fulfilling the purposes of the statute, by the restriction which we put upon them that they should hear the party before they inflict upon him such a heavy loss." [189]

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