



Neutral Citation No. [2025] EWHC 422 (SCCO)

Case No: 05B20044323

SCCO Reference: SC-2024-CRI-000100

IN THE HIGH COURT OF JUSTICE
SENIOR COURTS COSTS OFFICE

Thomas More Building
Royal Courts of Justice
London, WC2A 2LL

Date: 26 February 2025

Before:

COSTS JUDGE ROWLEY

R

v

SANDRA HANNAH

**Judgment on Appeal under Regulation 29 of the
Criminal Legal Aid (Remuneration) Regulations 2013**

Appellant: Christopher Mantle & Co (Solicitors)

The appeal has been successful for the reasons set out below.

The appropriate additional payment, to which should be added the sum of £250 (exclusive of VAT) for costs and the £100 paid on appeal, should accordingly be made to the Applicant.

COSTS JUDGE ROWLEY

Costs Judge Rowley:

1. This is an appeal by Christopher Mantle and co-solicitors against the decision of the determining officer not to allow a second fee in respect of the relevant proceedings claimed as a graduated fee under the Criminal Legal Aid (Remuneration) Regulations 2013, as amended.
2. The solicitors were instructed on behalf of Sandra Hannah in respect of a two count indictment dated 19 April 2023 regarding the importation of Class B drugs and a general count regarding the acquisition/use/possession of criminal property.
3. On 20 July 2023 a further indictment was preferred containing a single count of conspiracy to import a controlled drug contrary to section 1(1) of the Criminal Law Act 1997 with one other defendant.
4. On the following day, the case came before HHJ Murray who stayed the first indictment so that the second indictment could proceed. Further defendants were joined to that indictment later in the year and the case came on for trial in March 2024. As far as Sandra Hannah was concerned, the prosecution offered no evidence and as such she was found not guilty.
5. The solicitors claimed a guilty plea fee in respect of the stayed indictment and then, following the trial, sought a cracked trial fee in respect of the second indictment. The determining officer, having examined the court logs, decided that in fact the two indictments were joined and therefore under the Regulations, only one fee was payable. Since the guilty plea had already been paid, it had to be deducted from the cracked trial fee which was the single fee payable for this case.
6. The solicitors have asked for this appeal to be decided without an appeal hearing. As such the information available to me is limited to the communications between the solicitors and the Legal Aid Agency. There are some obvious questions left unanswered, in particular why the determining officer has not responded to the provision of a screenshot of the entry on 21 July 2023 on the Digital Case System apparently confirming the staying of the original indictment. Assuming that this screenshot exists, it seems inconceivable that it could subsequently be joined to a separate indictment.
7. The solicitors' explanation for the word "joinder" which appears on the final version of the indictment which they have provided to the LAA (and by inference in the court logs) is that further defendants were added to the second indictment and it is accepted that that was a joinder of indictments such that one fee was only payable in respect of that indictment.
8. In his written reasons, the determining officer has quoted two references in the court records. The first is from 25 September 2023 where the records say that "further 2 defendants can be joined to the indictment and all be tried together." The second is that on 11 October 2023 it says "leave granted to join indictments." It seems to me that those two quotations can both be satisfied by the explanation in the previous paragraph of this decision in that joinder relates to the number of defendants rather than the two separate indictments faced by Sandra Hannah.

9. Consequently, I prefer the solicitors' argument that the stay apparently evidenced by a screenshot on the DCS occurred as stated by the solicitors. Instead, the prosecution ran with a separate conspiracy indictment against the defendant and various others.
10. There is no dispute that if the first indictment was stayed and a second indictment involving a different prosecution, then a defendant is entitled to two fees under the Regulations. In my judgment that is what has happened here and so the solicitors are entitled to both the guilty plea and cracked trial fees claimed.
11. Since this appeal has been successful, the solicitors are also entitled to the return of their appeal fee and a sum in respect of their costs for having to bring this appeal.