



Neutral Citation No. [2024] EWHC 664 (SCCO)

Case No: T20217240

SCCO Reference: SC-2023-CRI-000098

IN THE HIGH COURT OF JUSTICE
SENIOR COURTS COSTS OFFICE

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

Date: 18th March 2024

Before:

COSTS JUDGE WHALAN

R

v

MIGUEL LEWIN - MILLER

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

Appellants: Mr Graeme Logan

The appeal has been unsuccessful, for the reasons set out below.

COSTS JUDGE WHALAN

Introduction

1. Mr Graeme Logan ('the Appellant') appeals against the decision of the Determining Officer at the Legal Aid Agency ('the Respondent') in a claim submitted under the Advocate's Graduated Fees Scheme ('AGFS').
2. The Appellant challenges the Respondent's decision to reduce payment on a disbursement, namely a rail fare incurred on 11th June 2023. The Appellant travelled between London and Leicester and the cost of his ticket was £146. The Respondent has allowed and paid £23.60, namely the amount payable from Birmingham to Leicester, an assessment based on the 'local bar rule'. The sum in issue is accordingly £122.40.
3. This appeal was listed originally for an oral hearing on 9th February 2024. The listing was non-effective because the Appellant was busy in another case. I agreed subsequently to determine the issue on the papers, with a direction that any additional submissions must be filed by 23rd February 2024. In the event, neither the Appellant nor the Respondent filed any additional, written submissions.

Jurisdiction

4. The Representation Order was issued in July 2021 and so the provisions of the Criminal Legal Aid (Remuneration) Regulations 2013 ('the 2013 Regulations'), as amended, apply.
5. An applicant's right of appeal is set out in regulation 29.1 of the 2013 Regulations. A Costs Judge can only entertain an appeal upon the delivery of written reasons under regulation 28(8). Regulation 28(1) sets out the circumstances in which an advocate can appeal. The categories of claim to which regulation 28 applies do not extend to claims for advocate's disbursements. Accordingly, neither the Determining Officer nor the SCCO has a statutory jurisdiction under the 2013 Regulations to entertain this appeal.
6. This is not the first case – and I am not the first Costs Judge – to express this conclusion. CJ Leonard set out the same finding (with more detailed citation and

explanation than I outline here) in R v. Humfrey [2020] SCCO Ref: SC2020-CRI-000138. CJ Rowley has recently cited the same reasoning in R v Stallard [2024] SC-2023-CRI-000095. It is regrettable, given that Judge Leonard’s decision was handed down over three years ago, that in the Written Reasons dated 14th August 2023, the Respondent advised the Appellant incorrectly that: “You are entitled to appeal this matter to the Senior Courts Costs Office (SCCO)”. My jurisdiction, as CJ Leonard pointed out, is statutory and I have no power to go beyond the scope of the Regulations.

7. Insofar as I have no jurisdiction to hear this appeal, it must fail.

TO:

Mr Graeme Logan
Chambers of Steven Kay KC
9BR Chambers
11/12 South Square
Gray’s Inn
WC1R 5EY

COPIES TO:

Determining Officer
Legal Aid Agency
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corresponding with the court, please address letters to the Criminal Clerk and quote the SCCO number.