

ENGLAND AND WALES / JUDGMENT

R v Keith Preddie

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COSTS JUDGE NAGALINGAM Approved Judgment R v Preddie IN THE HIGH COURT OF JUSTICE
SENIOR COURTS COSTS OFFICE Neutral Citation No:

[2026] EWHC 820 (SCCO) Case No: 01MP1023624 SCCO Ref: SC-2025-CRI-000052 Thomas More
Building Royal Courts of Justice London, WC2A 2LL Date: 02/04/2026 Before : COSTS
JUDGE NAGALINGAM Between: R -v- Keith Preddie and IN THE MATTER OF AN APPEAL
AGAINST REDETERMINATION Icah Peart KC

- and – Appellant The Lord Chancellor Respondent Hearing date: 08/01/2026
 - ----- Approved Judgment This judgment was handed down remotely at 16.30pm on 2 April 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.
 - ----- COSTS JUDGE NAGALINGAM COSTS JUDGE NAGALINGAM
Approved Judgment R v Preddie Background and Appeal
1. Keith Preddie, the Defendant, was charged with the offence of murder and named first on an indictment with two co-defendants. The Defendant pleaded not guilty and his case proceeded to a 26-day trial, following which the jury was unable to return a verdict. A retrial was scheduled for 19 January 2026.
 2. The originating representation order in this matter is dated 31 January 2024 and “covers work by a litigator only (including advice and assistance regarding an appeal against conviction or sentence but excluding the actual appeal proceedings)” and is automatically extended “if the case is or has been committed for trial, sent for trial, or committed for sentence to the Crown Court to cover work by a litigator and junior advocate”.
 3. The case thereafter being sent for trial, junior counsel Charles Royle was engaged and has been remunerated for work done from that date. Following the fixing of a trial date, scheduled for 6 January 2025, Dobson Fisher (the litigator) also instructed the Appellant (on 6 February 2024).
 4. The representation order was varied on 8 August 2024 to cover leading and junior counsel on the basis that the “Circumstances make the proceedings unusually grave or difficult”.
 5. Prior to 8 August 2024, but after receiving instructions from Dobson Fisher, the Appellant incurred 33 hours of preparatory work examining unused material.

6. The Respondent has remunerated the Appellant for work done on or after 8 August 2024 but declines to make any allowance for the 33 hours incurred pre 8 August 2024 on the basis that no representation order was in place permitting recovery of that time.
7. The Appellant seeks to appeal the disallowance of the 33 hours incurred pre 8 August 2024.
Analysis and Decision
8. The hearing was attended by the Appellant, Mr Peart KC only. There was no attendance on behalf of the Respondent, by prior notification. No written submissions have been prepared specifically for the appeal hearing. The Respondent thus relies on the Determining Officer's written reasons dated 29 April 2025.
9. Mr Peart KC confirmed there is no separate hearing bundle, rather only the fairly limited documents on CE File.
10. The Appellant acknowledges that they cannot hope to recover their pre 8 August 2024 time at KC rates, and therefore does not seek remuneration for work undertaken pre 8 August 2024 at anything other than junior rates.
11. The Appellant variously observed that: COSTS JUDGE NAGALINGAM Approved Judgment R v Preddie
 - i) On the Respondent's analysis, had junior counsel undertaken the same 33 hours of pre 8 August 2024 work that the Appellant did, junior counsel would be entitled to remuneration;
 - ii) On the Respondent's analysis, had the Appellant delayed his pre 8 August 2024 work until on/after that date, he would not only be entitled to remuneration, but at higher rates; iii) The Respondent does not appear to dispute that the work was done, more that on a strict application of the regulations, there is no entitlement to paid for the disputed work.
12. In so far as the Appellant has previously made reference to other cases in which the Respondent has apparently exercised some discretion in allowing a claim in similar circumstances, that would appear to be anecdotal rather than reported cases.
13. In any event, the Determining Officer seems to be unaware of others exercising such a discretion, and is unwilling to do so. I am similarly unpersuaded by that particular line of argument, i.e. anecdotal evidence of what has been allowed in similar circumstances previously and unreported.
14. Whilst, according to the Respondent, the court records might show that the Appellant "was not instructed in any capacity" before 8 August 2024, the fact is the Appellant had been instructed, by the Defendant's litigator, who did so on the basis of an existing representation order to act for the Defendant which automatically extended once the case had been sent for trial.

15. I observe that the representation order dated 31 January 2024 is ambiguous in that whilst it references “a” litigator, i.e. in the singular (and naming Ben Dobson of Dobson Fisher as the said single litigator firm), it otherwise references “junior advocate”.
16. Thus it cannot categorically be said that the representation order dated 31 January 2024 provides for one single named junior advocate, rather it permits for work to be done at junior advocate rates once “the case is or ha[d] been committed for trial, sent for trial, or committed for sentence to the Crown Court.”
17. There can be no doubt that the representation order dated 31 January 2024 permits for nothing in excess of junior rates. However, the Appellant is not seeking remuneration in excess of junior rates for their pre 8 August 2024 work.
18. Therefore one is left to consider the issue of whether the representation order dated 31 January 2024 may be construed so narrowly as to allow one unnamed advocate to claim time at a junior rate but not another.
19. One is guided by the relevant remuneration regulations and, where it assists, the Crown Court Fee Guidance.
20. In so far that the Respondent relies on paragraph 2.27 (Multiple advocates) of The Crown Court Fee Guidance, this would appear to cover scenarios where the COSTS JUDGE NAGALINGAM Approved Judgment R v Preddie representation order either unambiguously covers a single advocate or otherwise names multiple advocates.
21. Paragraph 2.27 therefore does not appear to assist in the specific circumstances of this appeal.
22. In so far as the Respondent relies on paragraph 1.4 (Claims for fees by advocates), I consider the ambiguity identified above permits me to draw the conclusion that the representation order provides for remuneration claims by more than one advocate, but limited to junior advocate rates until the representation order was updated.
23. In so far that the Respondent cites paragraph 4 (Claims for fees by advocates – Crown Court) of The Criminal Legal Aid (Remuneration) Regulations 2013, I observe claims have been submitted by each instructed advocate, as required by paragraph 4(2). Paragraph 26 thereafter sets out the obligations on the Respondent as to implementing the payments claimed.
24. I consider that the Respondent erred where they found that the Appellant “was not instructed in any capacity before” 8 August 2024.
25. I also consider the Respondent has erred in seemingly suggesting that the only circumstances in which a leading advocate is limited to junior rates is where they were engaged at junior rates but achieved KC status during the relevant period.

26. Whilst I accept the logic of that thinking in such a scenario, that does not mean it is the only scenario in which a leading advocate may be limited to junior rates.
27. Thereafter, the Respondent relies heavily on the court record, seemingly to the exclusion of all other facts. The fact is the Appellant was instructed well before the amended representation order. Further, nowhere in the remuneration regulations does it say that remuneration decisions must be based exclusively on what court records say.
28. Having concluded that the representation order dated 31 January 2024 in this particular matter may be construed widely, or at least not as narrowly as the Respondent contends; and having observed there is otherwise no dispute that the 33 hours in question were reasonably incurred and are reasonable in amount; and noting that (subject to any reasonableness arguments that might have arisen) there would have been no objection in principle had the exact same work and hours been submitted by junior counsel Charles Royle; and noting that in the alternative no objection in principle would have been raised had the disputed hours all been incurred on/after 8 August 2024, I find that the Appellant is entitled to remuneration of the work done pre 8 August 2024.
29. Rather than simply assess that time, I direct that remuneration of the 33 hours claimed be limited to the applicable junior rates in force at the time and thereafter be remitted back to the Respondent to assess the number of hours, if not agreed.
30. This is in recognition that in the circumstances of the conclusions drawn above, the COSTS JUDGE NAGALINGAM Approved Judgment R v Preddie Respondent should be permitted an opportunity to satisfy themselves there has not been any duplication of effort as between the Appellant and Mr Royle for work done pre 8 August 2024.
31. The appeal is therefore allowed in principle. Costs
32. The £100 appeal fee shall be repaid to the Appellant in addition to the additional remuneration consequent upon the outcome of this appeal. COSTS JUDGE NAGALINGAM 5

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Prepared on 27 October 2026 · Esheria