LEGAL AID AGENCY
High Cost Crime Appeal Decision – Single Adjudicator

Case: [redacted]

Appellant (firm/counsel): [redacted]

LAA Respondent: [redacted]

Date of decision: [redacted]/11/25

Case Manager's original decision:

Category 2 Fraud

Adjudicator's Decision:

Category 1 Fraud

Reasons:
(The full reasons for the decision should be noted here, making specific reference to points raised at the appeal if necessary)

R
v.
[redacted]
Single Adjudicator
[redacted] *November 2025*

This is an appeal against the decision made to categorise the case as Category 2 Fraud under the VHCC Arrangements.

I am asked to consider this appeal and determine whether I agree with the Contract Managers determination as to Category or whether I agree with the Appellant Solicitors, that this is a Category 1 Fraud case.

I state from the outset that I have considered all the material provided to me, along with the VHCC Arrangements and Guidance, with particular regard to the provisions for Category of Case.

The specific issues in this appeal are whether this case should be determined as a Category 1 or Category 2 case.

The criteria is set out in the VHCC Arrangements 2022 and specifically in respect of Fraud cases are as follows;

Annex D - VHCC Category Criteria

VHCC Fraud

Category 1: **all 4 criteria from Block A are met, and all 4 a's from Block B**

Category 2: **2 criteria from Block A are met and at least 2 a's or b's from Block B**

Category 3: **All other fraud VHCCs**

Category 4: **non-fraud VHCCs only**

<u>Block A</u>

1. The defendant's case is likely to give rise to:

- **a) national publicity; and**
- **b) widespread public concern;**

2. The defendant's case requires highly specialised knowledge;

3. The defendant's case involves a significant international dimension;

4. The defendant's case requires legal, accountancy and investigative skills to be brought together.

<u>Block B</u>

1. The value of the fraud as described in the indictment and/or the prosecution case statement/summary exceeds:

- **(a) £10m**
- **(b) £2m**

2. The volume of prosecution documentation, which consists of:

- **witness statements**
- **exhibits**
- **interview transcripts**
- **pre-interview disclosure/advance information**
- **Notices of Further Evidence ("NFEs") exceeds:**
  (a) 30,000 pages
  (b) 10,000 pages.
  Unused material will not be considered for the purposes of this criterion, nor will evidence which has yet to be served.

3. The total costs of representing the defendant(s) are likely to exceed:

- **(a) £500,000**
- **(b) £250,000.**

4. The length of the trial is estimated at:

- **(a) over 60 days**

Both parties agree that all criteria are met, except under Block A (3). The dispute lies solely on whether the defendants case involves a significant international dimension. Initially there was dispute as to whether there was widespread publicity and widespread public concern, but the Contract Manager appears to now accept this criteria has been met and therefore I limit my decision to the issue relating to the international element alone when deciding this appeal.

VHCC Guidance

The guidance given when considering the criteria is as follows;

Fraud cases – Block A

The defendant's case involves a significant international dimension

1.1 To satisfy this criterion, the defence team would need to show that a particular aspect of their case preparation involved a non UK element of either fact or law, or both.

1.2 For the international dimension to be deemed "significant", the defence team would have to demonstrate it had a direct effect on their understanding of the case, and substantially affected case preparation.

1.3 With regard to a legal dimension, the need to understand the workings of non-UK jurisdictions, substantial liaison with lawyers abroad or foreign authorities, or the need to understand and assess parallel or linked proceedings in foreign jurisdictions, would be persuasive factors.

1.4 For a factual dimension, the defence team would need to show that key elements of the offence were perpetrated abroad, and that in analysing these the defence team would require understanding of the workings of systems or institutions different from those in the UK.

1.5 Incidental details would be insufficient to meet this criterion, such as:

- *The defendant is a foreign national*
- *There are foreign witnesses*
- *Goods or money have been received from, or deposited, outside the UK*
- *Introduction of Letters of Request*

The Contract Manager submits that the international element has to be 'significant', involving a 'substantive' international element that must have a 'substantial' effect on case progression. Having considered the guidance, it states that the defence team would need to show that a particular aspect of their case preparation involved a non UK element of either fact or law or both. In order for it to be significant it would have to have a direct effect on their understanding of the case and substantially affect case preparation. The defence team would need to show that key elements of the offence were perpetuated abroad and that in analysing these the defence require an understanding of the workings of such systems which are different to those of the UK
The Contract Manager submits that as the Prosecution are not suggesting that the case has a significant international reach, it does not have a significant international dimension, but that is not the criteria. The criteria is simply whether the case involves a significant international dimension.

It appears that the element of the criteria that the defence rely on is the factual aspect and not the legal and I therefore concentrate my findings to the factual element of the case.

As such the issues are whether the non UK transactions are a significant international dimension to the case and whether the international dimension has a direct effect on the defences understanding of the case, and substantially affects case preparation.
And further, whether key elements of the offence were perpetrated abroad, and that in analysing these the defence team would require understanding of the workings of systems or institutions different from those in the UK.

The Contract Manager submits that there is no evidence from abroad and that the trading in various currencies, with investments and investors in different countries and the laundering of proceeds abroad are incidental and not central to the case and do not require an understanding of the workings or systems or institutions different from those in the UK. It is further suggested that some of the features referred to go to satisfying the 'highly specialised knowledge'

Reference is made to 15 overseas transactions. The Contract Manager submits that the defence statement references [redacted]'s use of Contemi, a globally utilised financial software platform, which is widely used across wealth management and banking sectors and its use does not demonstrate a significant international dimension. It is also contended that the transactions themselves are not significant to the case.

The Appellant firm submits that the 15 transactions are a central aspect of the case. The defence state that there will be reliance on the international element and understanding of this to be able to demonstrate the defendants case to the jury and that an understanding of trading in the foreign currencies is an essential element to being able to properly prepare and present the defendants case. This is an international element and if this is required to present the case then it is agreed that this would satisfy this criteria.

It is submitted that for the international element to be considered 'significant' the defence must demonstrate that it has had a direct and substantial impact on their understanding of the case and on preparation of their defence, which the defence submit is the case. It is suggested that this would meet the criteria for highly specialised knowledge only, but I do not agree that the two are mutually exclusive and it can be that highly specialised knowledge is required of an international dimension

I do not see how the defence would be able to prepare and present the defendants case in respect of these 15 transactions without a need to fully understand and follow not only the Global Reach element and the foreign trading but also present the defendants case in respect of what he was doing with regard to these transactions and client money.

As an additional element it is also part of the prosecution case that monies were laundered abroad. This is an element of the charges in relation to this and therefore this would also be a significant element of an internation dimension that would require understanding in order to present the defendants case.

I therefore find that given that there are 15 transactions abroad that are relied on by the prosecution and which the defendant wishes to rely on in respect of his defence and to explain the nature of those transactions, it is important that an understanding is gained to be able to prepare this aspect of the case. The transactions relate to Global reach and the defendant disputes the Prosecution case in respect of what they say regarding the transactions.

The prosecution state that Global Reach is a business involved in foreign exchange ("**FX**") and international payments. They offer clients the opportunity to place forward foreign exchange ("**FFX**") trades (buy or sell at a future date at a predetermined exchange rate). The prosecution state that although there were discussions about [redacted] becoming a client of Global Reach it never became one, no accounts were opened and no monies were received and no trades placed at Global Reach from or by [redacted] or any linked company. Examination of purported FFX trades were not placed with Global Reach

However, the defendants case is that in all instances, client money was transferred via [redacted] to the broker to be held as margin on the positions and was reflected as client money on the client money reconciliations.

In order to demonstrate this and advance the defence then an understanding of the foreign exchange is required to prepare the case and therefore I find that this aspect of the criteria is met.

Single Adjudicator: [redacted]

Date: [redacted]**/11/25**