

LEGAL AID AGENCY

High Cost Crime Appeal Decision – Single Adjudicator

Case: [REDACTED]
Appellant (firm/counsel): [REDACTED]
LAA Respondent: [REDACTED]
Date of decision: [REDACTED] May 2026

Case Manager's original decision:

Not to waive the distant travel rule

Adjudicator's Decision:

Appeal allowed

Reasons:

R
v.
[REDACTED]
Single Adjudicator
[REDACTED] May 2026

This is an appeal by Counsel in respect of the decision made by the Contract Manager to not waive the distant travel rule.

I have considered all of the material provided to me, including the representations made by both parties, along with the relevant provisions in respect of VHCC cases, specifically I have considered the 2022 VHCC Contract, Specifications and guidance.

The Contract Manager has set out her reasons as to why she has not waived the distant travel rule and Counsel appeals that decision.

Under the provisions, the distant travel rule applies to Counsel unless one of the exceptions apply as set out below,

- *they have particular skills or expertise which make them uniquely suitable to conduct the case*
- *they have had significant involvement with the client in the current proceedings, or previous linked proceedings, so that it would not be in the interests of justice or the public purse for an alternative, more local practitioner to be instructed*
- *there is no other suitable, more local practitioner available*
- *the overall circumstances are such that to instruct a particular non local practitioner would result in savings to the public purse.*

The Contract Manager argues that none of these exceptions have been met by Counsel and no evidence has been provided in support of these exceptions.

Counsel argues that the exceptions are met in this case on the basis that they have particular skills or expertise, significant involvement in the case and the client, solicitor and Counsel all reside in the London region.

On considering the appeal I note that the case has been ongoing since 2024, first appearing in the lower Courts and being sent to the Crown Court in 2024. The case has therefore been running for some considerable time with Counsel instructed and involved in the case. All defence parties are based in or around the London area and therefore within the distant travel rule. The defendant was interviewed in the Bedfordshire area. Again relatively local to the London area. The Trial is to take place in Birmingham.

Counsel has therefore been involved in the case for some considerable time and therefore has had significant involvement with the client in the current proceedings and it would not be in the interests of justice or the public purse to instruct an alternative practitioner.

The client is not local to the Birmingham area but local to the London area, as is Counsel and Instructed Solicitors.

Had Counsel based at the Birmingham Bar been instructed then there would have been an issue in respect of the travel prior to trial for any conferences with the client and therefore it is felt that it is appropriate that Counsel close to the client and solicitors is instructed.

It is therefore considered that the overall circumstances are such that to instruct a particular non local practitioner would result in savings to the public purse.

Counsel also asserts that they have particular skills or expertise which make them uniquely suitable to conduct the case. I do not accept that this exception is made out. I do not dispute that Counsel may be particularly skilled and have expertise to deal with the case, but I do not accept that there is no other suitably skilled Counsel available at the Birmingham Bar.

However only one exception is required to waive the distant travel rule and I find that two of the exceptions are met, namely that Counsel has had significant involvement with the client in the current proceedings, the proceedings having been running since 2024. I also find that given the location of Counsel, the client and instructing Solicitors, it is in the interests of justice that Counsel local to the client is instructed.

I therefore allow the appeal.

Single Adjudicator: [REDACTED]

Date: [REDACTED] May 2026