Neutral Citation No. [2026] EWHC 2470 (SCCO)

Case No: 33JJ2823524

SCCO Reference: SC-2026-CRI-000056

IN THE HIGH COURT OF JUSTICE
SENIOR COURTS COSTS OFFICE

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

Date: 28 September 2026

Before:

COSTS JUDGE LEONARD

R
v
WANDEL

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

Appellant: **SVS Solicitors**

This Appeal has been dismissed for the reasons set out below.

COSTS JUDGE LEONARD

1. This appeal from the Legal Aid Agency ("LAA")'s Determining Officer concerns the classification of an offence under Schedule 2 to the Criminal Legal Aid (Remuneration) Regulations 2013, as in force on 21 February 2025, the date of the relevant Representation Order.

2. Schedule 2 sets out the terms of the Litigators' Graduated Fee Scheme ("LGFS"), by reference to which are calculated the fees to be paid from Legal Aid funds to defence litigators such as the Appellant firm, which acted for Julia Wandel ("the Defendant") in a trial before the Crown Court at Leicester.

The Indictment

3. The indictment against the Defendant and her co-defendant Karen Spragg, a copy of which has been filed by the Appellant, reads:

> "STATEMENT OF OFFENCE
>
> STALKING, CAUSING SERIOUS ALARM OR DISTRESS, contrary to section 4A(1) of the Protection from Harassment Act 1997.
>
> PARTICULARS OF OFFENCE
>
> JULIA DOROTA WANDEL and KAREN LORRAINE SPRAGG between the 1st day of June 2022 and the 21st day of February 2025 pursued a course of conduct amounting to stalking, causing Kate McCann and Gerald McCann serious alarm or distress having a substantial adverse effect on their usual day-to-day activities, it being a course of conduct which you knew or ought to have known would have caused such alarm or distress."

The Offence

4. Section 4A(1) of the Protection from Harassment Act 1997 reads, insofar as pertinent to this appeal:

> **4A Stalking involving fear of violence or serious alarm or distress**
>
> (1) A person ("A") whose course of conduct—
>
> (a) amounts to stalking, and
>
> (b) either—
>
> (i) causes another ("B") to fear, on at least two occasions, that violence will be used against B, or
> (ii) causes B serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities,
>
> is guilty of an offence if A knows or ought to know that A's course of conduct will cause B so to fear on each of those occasions or (as the case may be) will cause such alarm or distress…

(5) A person guilty of an offence under this section is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding ten years, or a fine, or both…

(7) If on the trial on indictment of a person charged with an offence under this section the jury find the person not guilty of the offence charged, they may find the person guilty of an offence under section 2 or 2A…"

5. I will refer to this offence as a "section 4A offence".

6. Sections 2 and 2A respectively set out the lesser offences of harassment and stalking.

7. For the purposes of this appeal I need also to mention section 4 of the 1997 Act:

"4.— Putting people in fear of violence.

(1) A person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against him is guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on each of those occasions…

(4) A person guilty of an offence under this section is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding ten years, or a fine, or both…"

8. I will refer to this offence as a "section 4 offence".

The Rules

9. The Graduated Fee payable to the Appellant for representing the Defendant is calculated by reference to a number of factors set out in Part 2 of Schedule 2, including the classification of "the offence for which the assisted person is tried". Other factors include the length of trial and the number of Pages of Prosecution Evidence ("the PPE count").

10. Offence classification is determined by reference to the following provisions of Schedule 2.

11. Paragraph 3 of Schedule 2, under the heading "Class of Offences" reads, insofar as relevant:

"(1) For the purposes of this Schedule—

(a) every indictable offence falls within the Class under which it is listed in the LGFS Table of Offences and, subject to sub-paragraph (2), indictable offences not specifically so listed are deemed to fall within Class H…

(2) Where a litigator in proceedings in the Crown Court is dissatisfied with the classification within Class H of an indictable offence not listed in the LGFS Table of Offences, the litigator may apply to the appropriate officer, when lodging the claim for fees, to reclassify the offence.

(3) The appropriate officer must, in light of the objections made by the litigator—

(a) confirm the classification of the offence within Class H; or

(b) reclassify the offence,

and must notify the litigator of the decision."

12. The LGFS Table of Offences is to be found at Part 7 of Schedule 2. Class A covers homicide and related grave offences; Class B offences involving serious violence or damage and serious drug offences; Class C lesser offences involving violence or damage and less serious drugs offences; Class D sexual offences and offences against children; Class E burglary; Classes F G and K other offences of dishonesty; Class J serious sexual offences; and Class I offences against public justice. Class H covers "miscellaneous other offences".

13. The decision of the Determining Officer under paragraph 3(3) of Schedule 2 of the 2013 Regulations is subject to a further application by the litigator under regulation 28, for the Determining Officer to reclassify the offence and to give written reasons for the final decision. That decision may, under regulation 29, be appealed to a Costs Judge.

14. The section 4A offence for which the Defendant was tried is not specifically listed in the LGFS Table of Offences. By default, it falls into Class H but it is open to reclassification in accordance with paragraph 3 of Schedule 2 to the 2013 regulations.

15. The LAA's published Crown Court Fee Guidance offers (at Appendix S) suggests reclassification for a series of indictable offences not listed in the LGFS Table of Offences. The suggested classification for a section 4A offence is Class H.

The Background and the Trial

16. The subjects of the Defendant's unlawful conduct were the parents of Madeleine McCann, a four-year-old child who disappeared whilst on a family holiday in Portugal in 2007. The case, still unresolved, generated (and continues to generate) worldwide interest. Madeleine's parents have, over almost two decades, been subjected to international publicity and to public speculation as to the circumstances of Madeleine's disappearance, extending to accusatory conspiracy theories with no evidential foundation.

17. The Defendant claimed that she was Madeleine McCann, pursuing the claim despite conclusive DNA evidence to the contrary. Over the course of the indictment period she messaged or called Madeleine's parents on multiple occasions, including 60 calls and messages to Mrs McCann recorded over one day; attempted to contact them at their place of work; contacted or attempted to contact other individuals connected to the case, including the investigation's enquiry team; contacted Madeleine's siblings and their friends through social media to press her false claim; and encouraged media interest in it.

18. It was also alleged that the Defendant used artificial intelligence (ChatGPT) to produce letters in support of the proposition that she was Madeleine McCann and to fabricate childhood memories.

19. The Defendant's conduct extended to threatening self-harm and, on 8 December 2024, waiting with her co-defendant outside the McCann home and directly confronting both parents, including an attempt to prevent Mrs McCann from closing the front door of her house.

20. The Defendant pleaded not guilty and she was tried in a five-week trial between September and November 2025. The Prosecution's opening note put some emphasis upon the degree to which the manner in which the Defendant had pursued a claim which she must have known to be false, had added to the trauma already experienced by Madeleine's parents.

21. In the course of the trial the judge, Mrs Justice Cutts DBE, refused an application by several mainstream media organisations (including the BBC) for the release of some of the evidence presented to the court.

22. The Defendant was convicted of the lesser offence of harassment under section 2 of the 1997 Act and sentenced to six months' imprisonment (the maximum for that offence).

The Appellant's Claim

23. The Appellant made a claim for payment on the basis that the offence for which the Defendant was tried should be classified as a Class B offence (offences involving serious violence or damage and serious drug offences). The Determining Officer concluded that Class C (lesser offences involving violence or damage and less serious drugs offences) was the appropriate classification.

The Appellant's Submissions

24. The Appellant argues that a section 4A offence is a serious, indictable offence in the UK, carrying up to 10 years in prison. It involves a repeated "course of conduct" that causes severe distress or substantial adverse effects on a victim's daily life, which the perpetrator knows or should know causes that harm.

25. The case against the Defendant was that she had since 2022 been making, and attempting to gather evidence in support of, her claim. For obvious reasons, the Prosecution relied heavily on mobile phone evidence, so that the PPE count exceeded the maximum of 10,000 by which the graduated fee is calculated. The allegations made about her use of AI added another layer of complexity.

26. The Appellant argues that this was a wholly exceptional case, not a "run of the mill case" comparable to others involving similar offences. The prosecution sought, and attracted, a great deal of world-wide media coverage. The court room was packed with the media at the start of the trial.

27. This intense scrutiny, says the Appellant, placed an exceptional burden on the defence team in terms of managing communications, securing witness cooperation in a sensitive and high-profile environment, and mitigating the effects of pervasive pre-trial publicity. The resources and time required to manage a case of this profile significantly exceeded those of a standard stalking prosecution.

28. The exceptional nature of the case is demonstrated by the resources allocated to the trial by the prosecution, the defence, and the judiciary. Both defence teams and the prosecution were represented by King's Counsel, a strong indicator of the perceived complexity, seriousness, and high-profile nature of the proceedings. The case was tried before a High Court Judge, something previously unheard of for a stalking trial and a clear recognition by the judiciary that the case was one of exceptional legal, factual, and public significance, demanding a level of judicial experience and seniority typically reserved for the most serious Class A or B offences.

29. The Appellant also refers to the Advocates' Graduated Fee Scheme at Schedule 1 to the 2013 Regulations, which has its own "banding" system for offences. Schedule 1 cross-refers, at paragraph 3, to the "AGFS Banding Document", which puts a section 4A offence at band 3.4, the band for "s20 Offences Against the Persons Act cases and other serious violence offences".

30. The Defendant also had mental health issues. A psychologist instructed by the Appellant advised that she was fit to stand trial but suffered from a personality (delusional) disorder with fixation issues. This, says the Appellant, made it difficult to obtain coherent instructions.

The Lord Chancellor's Submissions

31. Ms Weisman, for the Lord Chancellor, has referred me to a number of Costs Judge decisions on offence classification. Whilst I am grateful for her assistance in that respect and I have considered them all, those judgments are necessarily fact-specific and none of them are binding. Given the conclusions I have reached, I do not find it necessary to refer to any of them here.

32. Ms Weisman points out that a section 4A offence falls initially into Class H as one of the "miscellaneous other offences" referred to. A useful first step in determining whether it should remain in Class H or be classified differently is, she submits, to identify any listed offence or offences which represent its nearest equivalent. Factors to consider include the governing legislation, the elements of the offence and the facts of the case. It may be appropriate to assess the gravity of the offence in terms of the maximum available sentence, although this factor is not to be taken in isolation.

33. There are two offences specifically listed in the LGFS Table of Offences which are governed by the 1997 Act. One is a section 4 offence (putting people in fear of violence, as set out above). It carries a maximum sentence of 10 years' imprisonment, equivalent to a section 4A offence. The other is an offence under section 3(6) (breach of a civil injunction against harassment). Both are assigned to Class H.

34. Given that a section 4 offence is class H, it is not necessary to reclassify a section 4A offence in order to place it alongside a comparable offence with an equivalent maximum sentence. Taking into account the governing legislation, the elements of the offence, the facts of the case, and the gravity measured in terms of sentencing guidelines, the nearest equivalent to a section 4A offence already exists within Class H.

35. It is difficult, if not impossible, to find an offence of factual equivalence within Class B. In class B, serious violence or damage or serious drugs offences are the hallmark features. Whilst psychological distress will certainly have resulted from the accused's actions, no actual or threatened violence was alleged, nor any physical damage. Nowhere is it cited that the defendant threatened to harm her victims, cause them damage or extort money. The facts of the case do not bear comparison with any of the offences in Class B, even taking into account the listing of offences such as threats to kill, arson with intent to endanger life, or blackmail, where the violence or damage may be threatened rather than realised.

36. By way of comparison robbery, committed without a firearm, falls within Class C. There are innumerable ways in which some cases of robbery may be more or less complex than others, or trigger wider public interest, but the regulations allow no scope for the reclassification for the matter on these bases alone. Moreover, robbery is an offence which carries a maximum life term. It would be erroneous, therefore, to suggest that the gravity of the offence at issue cannot be catered for by classification within Class C.

37. The employment of KCs and the assignment of a High Court Judge do indicate a case outside the common run of stalking offences, and it is incontrovertible that the connection to Madeleine McCann is of enduring public and media interest. But neither of these factors feature in Schedule 2 (or anywhere in the 2013 Regulations) as factors that may assist in determining the appropriate classification of an offence.

38. As to the Appellant's reference to the AGFS Banding Document, there are many inconsistencies between the categorisation of offences in the Schedule 2 Table of Offences and the AGFS Banding Document. By way of example, Actual Bodily Harm features in band 3 for advocates ("serious violence"), but class C for litigators ("lesser offences involving violence…"). Robbery falls within Class C for litigators, but there is a completely separate category for robbery and burglary within the Banding Document. More fundamentally, the way in which the Graduated Fee scheme is designed for advocates and the part that an offence band plays in calculating a graduated fee is quite distinct from the way the litigator scheme operates. The AGFS Banding Document has no application to this case.

39. Absent the public interest generated by the prosecution's connection to the historic disappearance of Madeleine McCann, there is little to distinguish this case from the wider range of stalking cases, or from a section 4 offence. On initial consideration one might well conclude that Class H is the most appropriate classification.

40. If factors wholly extraneous to the offence may be taken into account, the primary factors are still the nature and gravity of the offence and of the offending. Those are factors intrinsic to the case (as opposed to other matters such as media interest). Assuming that a Determining officer can exercise discretion to move an offence from Class H based on such extraneous factors, it is to be exercised with caution.

41. Given that that the Determining Officer has sought, effectively, to apply some degree of enhancement to reflect the burden upon the Defendant's legal representatives of public and media scrutiny, the Respondent contends that on that basis, an uplift to Class C was reasonable, placing this matter alongside other matters which could in some circumstances be considered equally if not more serious and attract a higher maximum sentence. This is in contrast to an uplift to Class B, which in the Respondent's submission would constitute too great a departure from Class H.

Conclusions

42. The LGFS is structured in formulaic fashion and (as is well established) operates mechanistically. In its mechanistic fashion, it provides for the calculation of a graduated fee to take into account the complexity and weight of an individual case by including, among the factors by which the fee is calculated, the PPE count and the length of trial.

43. Nor does the LGFS confer discretion upon a Determining Officer (or a Costs Judge) to take into account the particular circumstances of a particular case except in limited and specific contexts. These include, for example, including important electronic evidence within the PPE count or awarding an additional "special preparation" payment for the scrutiny of PPE in excess of the 10,000 "cap".

44. In short, insofar as the extent to which the weight and complexity of an individual case may be taken into account when calculating the graduated fee payable to a litigant, it is provided for by reference to matters other than offence classification.

45. The LGFS Table of Offences classifies offences according to the nature of the offence, and nothing else. If it were intended that any offence should be open to reclassification by reference to the particular challenges of a particular case, one would expect the LGFS Table of Offences to incorporate some provision to that effect. That it does not is entirely consistent with the mechanistic way in which the LGFS operates.

46. That aside, the proposition that the classification of an offence should turn upon matters such as the degree of public interest is not, in my view, a logical one.

47. Bearing all that in mind, it seems to me that for the purposes of the LGFS, the correct approach to reclassifying an offence under paragraph 3 of Schedule 2, must be to determine whether reclassification is appropriate only by reference to the nature of the offence for which the relevant defendant is tried (or, absent a trial, with which the relevant defendant is charged).

48. Further, the appropriate classification can only be determined by reference to the structure and content of the LGFS Table of Offences. The AGFS banding document, as Ms Wiseman says, is differently structured and operates within a different graduated fee regime. It is irrelevant.

49. Given that section 4 and section 4A offences are readily comparable offences falling within the same body of legislation, I do not find it remotely surprising that the LAA's published Crown Court Fee Guidance suggests that a section 4A offence, like a section 4 offence, should be classified as a Class H offence. I agree with Ms Wiseman that this is the obvious classification within the LGFS Table of Offences.

50. For those reasons I do not agree with the Determining Officer's reclassification of the offence for which the Defendant was tried as a Class C offence. Class H remains the obvious and correct classification.

51. Even if it were right to reclassify the offence from Class H, I would not have regarded Class B as appropriate. That is primarily for the reasons given by Ms Wiseman. It is also because I would not have been able to attach any material weight to the claimed additional burden upon the Appellant generated by the exceptional degree of public interest in the case, the alleged additional layer of complexity brought about by the Defendant's alleged use of AI, or the Defendant's mental health problems.

52. I say that because a defendant's solicitor is always under a duty to provide the best reasonably possible service to a client, the degree of public interest notwithstanding. There is nothing novel or unusual about the use of AI in 2025, and mental illness is a commonplace feature of stalking and harassment cases.

53. For the reasons I have given, I am of the view that the section 4A offence for which the Defendant was tried should properly have been classed as a Class H offence. The Respondent is, however, content, for the purposes of this appeal, to ask me to uphold the Determining Officer's decision.

54. For that reason this particular case should remain classified, in accordance with the Determining Officer's decision, as a Class C case.

55. It follows that the appeal fails and must be dismissed.