

GFS Appeals Committee

Operation [REDACTED]

R-v- [REDACTED]

Appeal of [REDACTED]

1. Introduction

The case of [REDACTED] was listed for trial in September 2016 at [REDACTED] Crown Court. The subject of the appeal is the correct payment for electronically held and served evidence, primarily time lapse CCTV footage derived from a covert recording device. If the images had been printed they would amount 21,111 pages.

Counsel has submitted that the contents of the disc served should be added to the page count (disc 20A). Counsel refers to the NAE dated 7th November 2016 and the figure of 21,111.

The CPS submits that paragraph 74 of the GFS Manual of Guidance applies and that the material on disc 20A does not constitute a page and cannot be paid as a page but counsel should be paid for reasonable viewing time.

The Fees Appeals Committee has considered the following documents before arriving at their decision:-

- GFS Manual of Guidance
- Final written reasons dated 8 May 2018
- Notice of Appeal dated 28 November 2017
- Pack of additional documents submitted by chambers

2. Findings

The Committee considered the matters advanced by counsel and the relevant paragraph in the Manual of Guidance and are content that paragraph 74 B applies. This material was CCTV footage. The Committee has seen an extract of it. It is different to telephone data and some of the previous decisions of this committee relating to telephone data are entirely distinguishable. The Committee concluded that this should be treated in the same way that all CCTV is treated no matter in what format it is downloaded or recorded. The Committee are satisfied that the material should not be treated as page and counsel should be paid for time spent viewing the material. Therefore the appeal fails. The decision of the Committee was unanimous.

The Fees Appeal Committee convened to consider the appeal on 2nd July 2018