Neutral Citation Number: [2026] EWHC 2518 (Admin)

Case No: AC-2025-MAN-000429

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
DIVISIONAL COURT

Manchester Civil Justice Centre
1 Bridge Street West
Manchester
M60 9DJ

Date: 05/10/2026

Before:

LORD JUSTICE EDIS

MRS JUSTICE HILL DBE

- -

Between:

The King	**Claimant**
On the application of	
JAKE WORSLEY	
- and -	
TAMESIDE MAGISTRATES' COURT	**Defendant**
- and –	
CROWN PROSECUTION SERVICE	**Interested Party**
(Costs)	-

- -
- -

Darren Finnegan (instructed by **Joe Egan Solicitors Ltd**) for the **Claimant**
The **Defendant** did not appear and was not legally represented
Thomas Williams (instructed by **Crown Prosecution Service)** for the **Interested Party**

Written submissions: 15 and 22 July 2026 and 4 and 6 September 2026

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Approved Judgment

This judgment was handed down remotely at 10:30am on Monday 5 October 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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Lord Justice Edis and Mrs Justice Hill:

Introduction

1. By a claim form filed on 11 September 2025 the Claimant sought judicial review of the decision of Tameside Magistrates' Court dated 31 July 2025 to refuse to state a case for the opinion of the High Court. This followed his conviction after trial on 30 May 2025 for failing to provide a specimen of blood without reasonable excuse, contrary to section 7(6) of the Road Traffic Act 1988 quashed.

2. By the order of Hill J dated 16 July 2026, for the reasons given in the judgment at [2026] EWHC 1789 (Admin), the Claimant succeeded in his claim for judicial review. As a result, his conviction dated 30 May 2025 was quashed and the matter remitted to the Magistrates' Court.

3. The Claimant succeeded in this claim, in summary, because Hill J found that there had been a serious procedural failing in that the Defendant Magistrates' Court had convicted the Claimant before hearing closing arguments from both prosecution and defence: see [50]-[57] of the judgment.

4. The Claimant now seeks an order for the payment of his legal costs of the 31 July 2025 hearing before the Magistrates' Court from central funds. The Claimant's application was referred to a Divisional Court, including Hill J, in accordance with the procedure set out in the Administrative Court Guide 2025 ("the Guide") at section 25.11.4.

5. We have determined this application on the papers, but it is appropriate to give reasons by way of a short judgment.

The statutory framework

6. Sections 16 and 16A of the Prosecution of Offences Act 1985 ("the 1985 Act") make provision for the making of defendant's costs orders.

7. Section 16(1) provides:

> "(1) Where—
>
> (a) an information laid before a justice of the peace for any area, charging any person with an offence, is not proceeded with;
>
> (b) a magistrates' court inquiring into an indictable offence as examining justices determines not to commit the accused for trial;
>
> (c) a magistrates' court dealing summarily with an offence dismisses the information;
>
> that court or, in a case falling within paragraph (a) above, a magistrates' court for that area, may make an order in favour of the accused for a payment to be made out of central funds in respect of his costs (a "defendant's costs order").

8. Sections 16(2)-(4) and (5)(b)-(d) apply, respectively, to the making of such orders in the Crown Court, the Court of Appeal and the Supreme Court.

9. Section 16(5)(a) is the material provision here. It provides that a defendant's costs order may be made:

> "Where –
>
> (a) any proceedings in a criminal cause or matter are determined before a Divisional Court of the [King's] Bench Division".

10. There is no comparable provision that applies where proceedings in a criminal cause or matter are determined by a single judge of the King's Bench Division. This is why the Guide provides at section 25.11.4 that:

> "There is no power for a single judge to order costs be paid out of central funds. Where a claimant seeks an order for costs from central funds when appearing before a single judge, the judge will adjourn the matter to be considered on the papers by a Divisional Court, constituted by the single judge who heard the case and another judge. This does not apply to legal costs, as the Divisional Court has no jurisdiction to order legal costs from central funds, other than in the circumstances set out at 25.11.3 above".

11. Although this passage has appeared in the Guide for many years it has not, as far as we are aware, been the subject of any specific judicial consideration, beyond a brief exchange about it in *R (Poskitt) v Reading Magistrates' Court* [2018] EWHC 984 (Admin) at pages 6-9 of the transcript and *London Borough of Barking and Dagenham v Aziz* [2024] EWHC 1584 (Admin) at [12], where the respective King's Bench Division judges (Supperstone and Fordham JJ) proceeded on the basis that the Guide was correct.

The Divisional Court's power to make the order sought

12. Upon this case being referred to us we invited submissions from the parties because we were keen to establish the proper jurisdictional basis for the process set out in section 25.11.4, with all due respect to the editors of the Guide. We invited submissions because, on one reading of section 16(5)(a), it only applies where proceedings in a criminal cause or matter have been "determined" by the Divisional Court, ie. where the Divisional Court has determined the merits of those proceedings, rather than when a single judge has done so.

13. The Defendant made no submissions on this issue.

14. The Claimant suggested that if that was a correct reading of section 16(5)(a), such that the Divisional Court did not in fact have the power attributed to it by the Guide, the costs application could be remitted to the Magistrates' Court and that the Divisional Court could then sit as a Magistrates' Court to determine the application.

15. We do not consider that this would be an appropriate approach. That is because the power of a Magistrates' Court to make a defendant's costs order is only triggered by

one of the specific circumstances set out in section 16(1)(a)-(c) and none of those apply here: this is not a case where the charges laid before the Magistrates were not proceeded with or dismissed, or where a decision was taken not to commit the Claimant for trial. Rather, the Claimant's conviction has been quashed as a result of his successful judicial review claim. He may in fact face a fresh trial of the failing to provide a specimen charge.

16. We observe that if that was the intended process, the Guide would not have referred to costs applications of this kind being transferred to the Divisional Court: rather, it would simply have proposed that they be remitted to the Magistrates' Court.

17. Mr Williams made clear that the Director of Public Prosecutions, the Interested Party to this claim, has no vested interest in the issue of whether the Divisional Court may indeed make a defendant's costs order in these circumstances. He nevertheless provided comprehensive submissions, supported by authorities, for which we are grateful.

18. We agree that the route set out in Mr Williams' submissions provides a sound basis for the Divisional Court's jurisdiction here. It can be summarised as follows.

19. *First*, CPR r. 3.1(2)(c) permits the court, here the High Court, to order that "any proceedings" in the High Court should be heard by a Divisional Court of the High Court. This power is capable of being exercised at any stage during those proceedings.

20. *Second*, while the meaning of "proceedings" must depend on the statutory context and the purpose of the provision in question, generally proceedings are not "over" until "the courts [have] disposed of that claim one way or the other at whatever level of the judicial hierarchy": *Plevin v Paragon Personal Finance Ltd (No. 2)* [2017] UKSC 23, [2017] 1 WLR 1249 at [19]-[20], per Lord Sumption. Similarly, in *Achille v Lawn Tennis Association Services Ltd* [2022] EWCA Civ 1407, [2023] 1 WLR 137 at [21], Males LJ observed that generally "proceedings" have "not concluded until all matters before the court have been concluded":

21. *Third*, the question of costs at the end of a claim for judicial review is "an inherent part of the exercise of the [judicial review] jurisdiction": *Darroch v Football Association Premier League Ltd* [2016] EWCA Civ 1220, [2017] 4 WLR 6, at [18], per Burnett LJ.

22. Here, although the Court has already determined that there should be no order for the Interested Party to pay the Claimant's costs of the judicial review proceedings, the Claimant's application for a defendant's costs order from central funds in relation to the Magistrates' Court hearing on 30 May 2025 remains outstanding.

23. Accordingly, although the substantive merits of the claim and one aspect of the costs issues have been determined, it does not follow that the "proceedings" have been "determined" in their entirety for the purposes of section 16(5) of the 1985 Act. It was therefore permissible to transfer the case to the Divisional Court under CPR r. 3.1(2)(c), which Court can then "determine" the outstanding costs application for the purposes of section 16(5).

24. Further support for this approach can be drawn from the following:

(i) "Proceedings" for the purposes of the relevant part of the 1985 Act is defined by section 21(1) in a non-exhaustive way, but such that it "includes" "proceedings in any court below" which would suggest it should be broadly interpreted, as would the fact that costs can be recovered under section 17 of the 1985 Act from the period before the "proceedings" have in fact begun: *Football Association Premier League v Lord Chancellor* [2021] EWHC 755 (QB), [2021] 1 WLR 3035, at [51], per Nicol J; and

(ii) Although sections 16 and 16A of the 1985 carefully limit the ability of defendants to recover their costs, there is no reason to think that Parliament intended this restriction to extend to a person such as the Claimant, who has incurred costs for a Magistrates' Court hearing where there was a serious procedural failing that could in no way be attributed to him, especially when historically the merits of this sort of claim would have been determined by a Divisional Court, such that this issue would not have arisen. The alternative reading would place him at a serious disadvantage compared to a Claimant whose case was, for whatever reason, heard by a Divisional Court.

25. We are therefore satisfied that we do in fact have the power to make the order sought.

The amount of the order

26. By section 16(6) of the 1985 Act, a defendant's costs order is, subject to the following provisions of the section, for "such amount as the court considers reasonably sufficient to compensate him for any expenses properly incurred by him in the proceedings".

27. The remaining provisions of section 16 include section 16(6A) which provides that:

> "Where the court considers that there are circumstances that make it inappropriate for the accused to recover the full amount mentioned in subsection (6), a defendant's costs order must be for the payment out of central funds of such lesser amount as the court considers just and reasonable".

28. Under section 16(A)(1) of the 1985 Act an order of this kind cannot be made in respect of legal costs unless one of certain conditions are met. Here, Condition B at section 16(A)(4)(b) is met because the Claimantis an individual and he has made his application for costs in relation to legal costs incurred in a "court below" which were "proceedings in a magistrates' court".

29. In our judgment it is appropriate to make an order in favour of the Claimant in relation to his legal costs of the 31 July 2025 hearing, in recognition of the serious procedural failing that occurred on that day and because he will now be put to additional costs due to the need for him to face a further trial.

30. We consider it appropriate to make an order in the sum of £750, which was the full amount sought. That sum will be reasonably sufficient to compensate him for his legal expenses properly incurred by him in relation to the hearing. It is, in our judgment, a reasonable and proportionate sum. We see no basis for reducing it under section 16(6A).

Conclusion

31. For all these reasons we make a defendant's costs order in the sum of £750 to reflect the Claimant's legal costs of the Magistrates' Court hearing on 30 May 2025.