

BF

From: WAPI-Open-E_Group@yahoo.com on behalf of Ian Withers - Priority Investigations [ianwithers@PILimited.com]
Sent: 08 September 2011 16:53
To: UK2
Subject: [WAPI] UK - England & Wales Legal Aid Rates
NEWS "with comment"

New Legal Aid Rates for Investigators!!!!

As from October 3, 2011

Non-London Hourly Rate UK£32

London Hourly Rate UK£23

YES!!! London Rates are to be LESS than Non London Rates!!!!

I took this up with the LSC who advised that the reasoning is that there are more available "Experts" in London and consequently they will be paid less!!!

For those Subscribers who undertake LSC funded work, you may wish to email and complain about the rates and the fact that they consider London Experts (not just Enquiry Agents) should be paid less than Rural Experts!!!!

E: Margaret.mcdonald@justice.gsi.gov.uk

LEGAL AID REFORM - EXPERT RATES

FOR THE PURPOSES OF IMPLEMENTING THE MINISTRY OF JUSTICE'S "PROPOSALS FOR THE REFORM OF LEGAL AID IN ENGLAND AND WALES"

To be implemented on 3 October 2011

Following the consultations on the Community Legal Service (Funding) (Amendment No2) Order 2011 and the Criminal Defence Service (Funding) (Amendment) Order 2011 maximum rates have been introduced for certain types of expert.

These rates will apply to all work undertaken by experts in all civil, family and crime work with a case start date or representation order date of on or after the 3rd October 2011

The rates were consulted on as part of the Ministry of Justice consultation 'Proposals for the Reform of Legal Aid in England and Wales'. They are set out in the Payment Annex of the Unified Contract 2007 (Civil), 2010 Standard Civil Contract and Schedule 6 of the Criminal Defence Service (Funding) (Amendment) Order 2011, and a list is also enclosed herewith.

The Commission may increase the fixed fees or rates if it considers it reasonable to do so due to exceptional circumstances. These are:

where the expert's evidence is key to the client's case and either—

a) the complexity of the material is such that an expert with a high level of seniority is required; or

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b) the material is of such a specialised and unusual nature that only very few experts are available to provide the necessary evidence

Payments on account for experts fees will be rejected if they exceed the codified rate unless a prior authority has been granted demonstrating that the case is exceptional.

Where an expert is not listed in the Payment Annex to either the 2010 Standard Civil Contract or the 2007 Unified Contract or in Schedule 6 of the Criminal Defence Service (Funding) (Amendment) Order 2011), then the LSC or the Court will assess these costs on an individual basis.

In these cases, when considering the rate at which to fund the expert service, the Commission:

- a) must have regard to the rates set out in Part 14 of the Payment annex; and
- b) may require a number of quotes for provision of the relevant service to be submitted to the Commission.

Prior authority is not mandatory. The contract provisions provide that prior authority may be submitted whenever the proposed incurred costs are either unusual in nature or unusually large. If prior authority is not sought and costs exceed the expert rates and fees contained in the Funding Order then they will be subject to assessment and may be reduced

You are reminded that changes to expert funding have already been introduced to expert witness funding through the introduction of the Standard Contracts (Crime and Civil) in 2010 and the

amendment of the Unified Contract in family matters through the Community Legal Service (Funding) (Amendment) Order 2011, which came into force on 9 May 2011.

These changes:

- Remove experts' cancellation fees from the scope of funding other than in exceptional circumstances;
- Remove experts' administration costs from the scope of public funding;
- Cap the remuneration rates for travel time to £40 per hour; and
- Cap the mileage rates to the current guidance for solicitor travel, currently 45p per mile.
- Cap the fees paid by the LSC for Independent Social Work at the same level as those paid by the Children and Family Court

Advisory Support Service (Cafcass).

The Community Legal Service (Funding) (Amendment No.2) Order 2011

SCHEDULE 6 Article 5 - Experts' Fees and Rates

Non-London Hourly Rate UK£32

London Hourly Rate UK£23

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The Criminal Defence Service (Funding) (Amendment) Order 2011

SCHEDULE 6 Article 15A - Experts' Fees and Rates

Non-London Hourly Rate UK£32

London Hourly Rate UK£23

With thanks to:

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