



Legal Aid
Agency

Guidance on the Remuneration of Expert Witnesses in Family Cases

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| 5 | April 2019 | Change to paragraph 6.29 |
| 6 | September 2020 | Update to include: <ul style="list-style-type: none"> • 10 hours for additional individuals in the recommended hours table for psychological and psychiatric assessments • lead PA will support all having PA • including cases of physical and domestic abuse in the risk assessment provisions • court order to list all translated documents and no need for PA • clarification on intermediaries and lay advocates • Clarity that three process server attempts will be sufficient, more than that needs justification • New guideline rates at Annex 5 |

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Annexes

Annex 1 – Expert rates on cases started on/after 2nd December 2013.

Annex 2 – Expert rates on cases started between 1st April 2013 and 1st December 2013.

Annex 3 – Expert rates on cases started between 3rd October 2011 and 31st March 2013.

Annex 4 – Cases opened before 2nd December 2013.

Annex 5 – Guideline rates

1. Overview

- 1.1. The Civil Legal Aid (Remuneration) Regulations 2013 and the Criminal Legal Aid (Remuneration) Regulations 2013 as amended (the Regulations) set out codified rates for most types of expert.
- 1.2. The rates in the Regulations 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 **2nd December 2013**. Where there is a rate listed for crime but not civil then that crime rate will be the starting point for agreeing a civil rate on an individual civil case.
- 1.3. A list of the applicable rates from 2nd December 2013 is included in **Annex 1**. Rates for work on cases started prior to that date are set out in **Annexes 2 and 3**.
- 1.4. Guidance on cases opened before 2nd December 2013 is set out in **Annex 4**.
- 1.5. A list of expert rates appears in **Annex 5** which are either higher than the rates in the Regulations or where rates do not exist. The Legal Aid Agency (LAA) will allow the rates listed for these areas of expertise in **Annex 5** without any application for prior authority being needed.

2. How the rates work

Rates in excess of the codified rates

- 2.1. The Legal Aid Agency (LAA) will not pay fees or rates in excess of those listed in the Regulations unless:
 - a) Prior authority has been granted to exceed the fees or rates.
 - b) Prior authority to exceed a codified rate is granted and the court directs for additional work from that expert. In this circumstance an amendment to the original prior authority is not required and any additional hours claimed should be justified on assessment. For the avoidance of doubt where the court directs for a new and separate report even by the same expert (e.g. in respect of a newly born child within existing proceedings), prior authority will need to be applied for afresh as the earlier prior authority will not cover you).
 - c) It is justified on assessment why prior authority was not applied for and why the fees needed to exceed the maximum rates e.g. an urgent instruction was required. Applications will be assessed on a case by case basis.
 - d) You have instructed an expert listed in **Annex 5** and the rates sought do not exceed the guideline rates listed in **Annex 5**. These are experts where there has been an identified shortage and higher rates than those set out in the Remuneration Regulations are routinely allowed. If you exceed these rates in **Annex 5**, you still need to justify on assessment why the rates needed to be exceeded if you don't apply for prior authority.

2.2. In order to be granted prior authority for fees or rates higher than those listed in the Remuneration Regulations, you will need to demonstrate that you are facing exceptional circumstances. Exceptional circumstances are defined in paragraph 2(2) of Schedule 5 of the Regulations and 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**
- b) the material is of such a specialised and unusual nature that only very few experts are available to provide the necessary evidence.**

2.3. When making a decision on whether to approve higher rates the LAA will consider, in addition to the criteria above, the total costs of the work sought, the speed at which the work has to be completed, any identified shortage of experts and any other exceptional reason.

2.4. A Payment on Account (POA) is not a guarantee that rates above the codified rates will be allowed on final assessment. Prior authority is the only way to guarantee an hourly rate in advance of assessment.

Experts not listed in the Remuneration Regulations

2.5. Where an expert is not listed in the Remuneration Regulations the LAA will assess these costs on an individual basis.

2.6. In these cases, when considering the rate at which to fund the expert service, the LAA:

- a) must have regard to the rates set out in the Regulations; and**
- b) may require a number of quotes for provision of the relevant service to be submitted to the LAA.**

3. Applications for Prior Authority

3.1 Prior authority may be submitted whenever:

- The item of costs (which may consist of an expert fee or other disbursement) is either unusual in nature or is unusually large (paragraph 5.10 (a) of the 2018 Standard Civil Contract specification; or
- There are no codified rates set out in the Regulations for a particular expert service and there are no guideline rates set out in **Annex 5** or rates are sought in excess of the guideline rates.

When is an item of costs considered unusual or unusually large?

3.2 An item of costs is considered unusually large where it is greater than £5,000 per funded client, where the hours requested are in excess of those set out in Table 1 below or where there is an unusual apportionment of costs.

Apportionment

- 3.3 Rules on apportionment of expert costs more generally can be found in the document “Guidance on authorities and legal aid for cases in courts outside England and Wales which can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/357087/legal-aid-narrative-guidance.pdf. Whether costs should be apportioned will depend on the specific facts of the case.
- 3.4 In private law cases the starting point is an equal apportionment between the parties, in the event that the court undertakes a means assessment and concludes something different then it is advisable to apply for prior authority. The unusual apportionment and reasons for such are usually recorded in the court order but this will not always be the case.
- 3.5 In public law cases an unequal apportionment of costs will not always be unusual. For example, a party may be an intervener in a case and have limited involvement and it would not be appropriate for them to bear an equal share of an expert report. Another example is where there may be several children involved in proceedings with different fathers and there is an issue only in relation to one child.

Hours

- 3.6 The figures set out in Table 1 below are intended to provide a benchmark of an “unusual” number of hours to assist you make a decision on whether to apply for prior authority.
- 3.7 This does not mean that there is a cap on work that can be done and that hours in excess of these will be refused. It means that prior authority may be sought where an expert’s time is expected to exceed these benchmarks and that detailed reasons justifying the greater number of hours will be required. Prior authority is for an amount of work based on the known relevant facts of a case at a particular time. Providers are always able to seek to justify on assessment why a greater number of hours were required.
- 3.8 These numbers are a guideline and we would not expect experts to take this number of hours in every case. The time claimed by an expert will remain subject to assessment based on the individual circumstances of the case.
- 3.9 Prior authority should not be sought where the expert is to be paid at the hourly rates set out in the Remuneration Regulations and the hours quoted by the expert are no more than the hours set out in Table 1 below.
- 3.10 The hours set out in Table 1 differ from those in Tables 2, 3, 4 and 5 below because they show different things. The hours in Table 1 are the threshold above which prior authority should be applied for. The hours in Tables 2, 3, 4 and 5 set out the average number of hours we would expect for particular pieces of work.

Table 1 – Number of hours above which prior authority should be applied for

| Expert Type | One individual to be assessed | Two individuals to be assessed | Three individuals to be assessed (see below for cases with more than three individuals where psychologists or psychiatrists are instructed) |
|---|--------------------------------------|---------------------------------------|--|
| Psychologist (inc Child Psychologist) | 25 | 35 | 45 |
| Child Psychiatrist | 25 | 35 | 45 |
| Psychiatrist | 15 | 25 | 35 |
| Independent Social Workers | 30 | 40 | 50 |
| Paediatrician | 15 | 25 | 30 |
| Radiologist | 10 | - | - |
| Assessment of parent/s with learning difficulties | 37 | 52 | - |

3.11 These benchmarks include all aspects of expert service provision including the assessment of individuals and preparation of a report. They do not include travel time or time spent in relation to court attendance, for which prior authority would not normally be necessary and which should instead be justified on final assessment. The benchmark hours also exclude time spent in relation to expert's meetings or the preparation of addendum reports.

3.12 For the purposes of Table 1 above each child should be treated as a separate individual and it would be helpful if the court specifically identified the individuals to be assessed. Generally, in relation to psychologists and psychiatrists we would consider an additional 10 hours work for each additional individual to be appropriate. Note that this is a different approach than taken to calculating the fees under FAS where children are treated as a single party.

3.13 If a child psychologist is deemed necessary to be instructed pursuant to a court order then all the work of the psychologist will be at the rate of a child psychologist and they will not be required to charge the adult psychologist rate for any part of their work that may be with an adult.

What happens if I do not have prior authority for unusual hours?

3.14 The amounts claimed for the provision of expert services must be justified on detailed assessment by the Court or assessment by the LAA in the normal way. Details of the work must include:

- A breakdown of the hours spent on the case with a justification of why the hours are necessary;
- A breakdown of the work done on the different aspects of the case e.g. assessment of clients, writing report, interviewing other relevant parties;
- Details of the expert/s and evidence of their qualifications, skills and expertise e.g. a CV; and
- A copy of the court order.

What happens where there are no rates set out in the Remuneration Regulations for a particular expert service?

- 3.15 The LAA has set out some guideline rates for certain expert's types not included in the Regulations in **Annex 5**. When rates sought do not exceed the guideline rates there is no need to provide additional quotes or apply for prior authority. Where there are no guideline rates or the rate sought exceeds the guideline rates then you should provide 3 quotes. If you are not able to provide 3 quotes then you should provide an explanation of why this is not possible. The quotes will need to include details of both the hourly rate and total number of hours quoted. Where you have quotes from the same experts in the last 2 months then you may rely on that as one of the quotes.
- 3.16 In agreeing an hourly rate, the existing list of codified rates provides context on the level of fees for professions not covered by the codified rates (see Annexes 1,2, 3 and 5). The LAA will take into account all the circumstances of the case including the total costs of the work being done and any evidence supplied by the provider to decide on the appropriate rate for each case.

Making an application for prior authority

Joint instruction of experts

- 3.17 Only providers using CIS can apply for prior authority as a lead solicitor on behalf of the other parties. Where this happens, the costs will be apportioned across the number of certificates and a letter of authority issued under each certificate.
- 3.18 Providers using CCMS can only request prior authority for themselves. To complete a joint instruction of experts, one provider will need to make the application for prior authority and give the certificate references of the other legally aided parties as part of the application. If the references are submitted into CCMS, all the parties will be covered by the prior authority granted to the lead solicitor and will be notified via an ad-hoc notification on the system.
- 3.19 An increase to the costs limit can only be requested by the lead solicitor submitting the application for prior authority. It is the responsibility of individual providers to ensure they have sufficient costs cover under their certificates.
- 3.20 If prior authorities are refused or part granted, the lead solicitor will be responsible for communicating the reasons to the other parties who will only receive the part granted authority for the reduced amount.
- 3.21 It will be the responsibility of the lead solicitor to request an informal review of the decision, should this be required. Any amendment to the original decision will be communicated to all parties for whom certificate references have been provided, via an ad-hoc notification on the system. If the review is refused and the decision upheld, the Lead Body will be responsible for communicating the reasons to the other parties.

Where to submit requests for prior authority

3.22 Requests for prior authority can be made through CCMS (for more information see: http://ccmstraining.justice.gov.uk/data/assets/pdf_file/0018/7722/Prior_Authority-V2-Final.pdf)

3.23 Requests made on CIS for prior authority under the Remuneration Regulations for family and the other civil categories should be submitted to the following office:

Legal Aid Agency,
Unit B8,
Berkley Way,
Viking Business Park, Jarrow, South Tyneside,
NE31 1SF
DX 742350 JARROW 2

Alternatively, you can email: CivilPriorAuthorityRequests@justice.gov.uk

3.24 Urgent CIS applications in family cases should be emailed to the team. Please set out in the email why the matter is urgent and the required timescales for a response. Urgent applications will usually be determined within 48 hours. The email address: CivilPriorAuthorityRequests@justice.gov.uk

3.25 Please note that there are exceptions to this process for the following types of work and you should continue to send this work to the respective offices detailed below:

- **High Cost Civil Team** – 3rd Floor, Invicta House, Trafalgar Square, Brighton BN1 3RE, DX 2752 Brighton
- **Immigration** – Immigration & Asylum, High Cost and Exceptional Cases Civil team, 13th form 102 Petty France, London SW1H 9AJ, DX 161440 Westminster 8
- **Mental Health** – 6th Floor, The Capital, Union Street, Liverpool L3 9AF, DX 745810 Liverpool 35

4 Associated Expert Costs

4.1 The Remuneration Regulations contain additional provisions on expert witness funding which:

- Exclude experts' cancellation fees from the scope of funding other than where the notice of cancellation was given to the expert less than 72 hours before the relevant hearing or appointment;
- Exclude experts' administration costs from the scope of public funding;
- Cap the remuneration rates for travel time to £40 per hour and the travel rate cannot be more than 2/3 of the hourly rate of the expert.
- Cap the mileage rates to the current guidance for solicitor travel, at 45p per mile.

- 4.2 You are not able to apply for prior authority in relation to a cancellation charge, this should be justified on assessment.

5 Specific expert remuneration arrangements

Expert activity time guidelines

- 5.1 The tables below provide an indication of typical hours generally allowed by LAA caseworkers, broken down by activity, for some of the expert types in Table 1 above. These are provided simply as a guideline to assist providers when completing applications for prior authority. This does not mean that hours in excess of these will be refused, and nor should it be taken that these hours will be allowed in every case. Decisions will continue to be made on the individual circumstances of the case. The observation of contact refers observation of a single adult. Where for example both parents are being assessed separately then there would be 2 separate observations.

| <i>Table 2 – Benchmark work breakdown for psychological services</i> | |
|--|---|
| Activity | Typical time spent |
| Reading | 5 hours |
| Attending adult | 5 hours |
| Attending child | 3 hours |
| Psychological adult testing | 3 hours |
| Psychological child testing | 1.5 hours |
| Observing contact (where appropriate) per parent | 3 hours |
| Reporting | 10 hours (basic, increasing with number of parties) |
| Addendum report (inc expert meetings, answering questions from judge, and considering transcripts) | 5 hours |

| <i>Table 3 – Benchmark work breakdown for adult psychiatric services</i> | |
|--|---------------------------|
| Activity | Typical time spent |
| Reading | 5 hours |
| Attending Adult | 5 hours |
| Report | 10 hours |
| Addendum report (inc expert meetings, answering questions from judge, and considering transcripts) | 5 hours |

| <i>Table 4 – Benchmark work breakdown for child psychiatric services</i> | |
|---|---------------------------|
| Activity | Typical time spent |
| Reading | 5 hours |
| Attending Child | 3 hours |
| Report | 10 hours |

| | |
|--|---------|
| Addendum report (inc expert meetings, answering questions from judge, and considering transcripts) | 5 hours |
|--|---------|

| Table 5 – Benchmark work breakdown for ISW services | |
|--|---------------------------|
| Activity | Typical time spent |
| Reading | 5 hours |
| Attending per adult | 5 hours |
| Attending per child | 3 hours |
| Observing contact | 3 hours |
| Attending professionals | 2 hours |
| Attending others | 1 hours |
| Reporting | 10 hours |

Independent social workers

- 5.2 The current rate for independent social workers (ISWs) is based on the rates paid by CAF/CASS. ISWs are not listed in the Remuneration Regulations, and they are instead paid in accordance with paragraphs 7.180 and 7.181 of the Standard Civil Contract in line with the rates payable by CAF/CASS for the work.
- 5.3 In 2014 Caf/CASS introduced a national rate of £33 per hour. Accordingly, the LAA will allow claims for this rate in relation to ISW instructions that take place on/after 1 April 2014 regardless of the date that the certificate was issued. Those instructions that took place prior to 1 April 2014 will continue to be remunerated at the previous rates, namely £30 p/h outside of London and £33 inside of London depending on where the case takes place.
- 5.4 Paragraph 7.180 sets out that the costs of and expenses relating to independent social work enquiries or expertise, whether provided by Caf/CASS, CAF/CASS Cymru, a guardian ad litem or any other person, is not an allowable disbursement where such work is provided outside England and Wales.
- 5.5 ISW travel will be paid on the same basis as other experts i.e. at 2/3rds of the ISW hourly rate. Mileage will be paid at 45p per mile as per section 5 above. Alternatively, reasonable public transport fares may be claimed.

Risk assessment experts

- 5.6 The Ministry of Justice (MoJ) and the LAA have published guidance on how expert services identified as specialist risk assessments will be paid. The guidance highlights the factors that may arise in a case which would point to it being appropriate to pay the risk assessment rate.
- 5.7 Factors that may typically point to the expert service being that of a specialist risk assessment expert include where:
- a. The court order specifies that a risk assessment is required; and

- b. The work to be done is over and above that requiring independent social work expertise, for example where:
- There is a substantiated criminal allegation relevant to the case in the immediate background of the case (such as a conviction or pending proceedings for a sex offence); and
 - A finding of sexual abuse or other abuse relevant to the case has been made by a court.

And

- c. the report is specifically required to address the risk posed as a result of the above factors.

- 5.8 The full guidance can be found at: <http://www.justice.gov.uk/legal-aid/funding/using-experts>. The factors listed above that point to a higher risk assessment rate may also point to justification for the risk assessment rates in cases involving domestic abuse or physical harm or where there have been allegations or findings of such abuse against an adult or a child. It is advisable that prior authority will be sought in such circumstances but it is not compulsory.
- 5.9 The guidance also clarifies that in considering claims where independent social work services are provided in non-family matters the LAA will have regard to the rates set out in the Remuneration Regulations. In these cases the LAA will generally allow rates of £60 per hour, therefore prior authority is only required when seeking rates in excess of this.
- 5.10 The LAA may pay higher rates for a risk assessment where the criteria set out in paragraph 2(2) of Schedule 5 of the Remuneration Regulations apply. Higher rates may be claimed for risk assessments in relation to sexual abuse, domestic abuse or physical abuse provided there is sufficient information to justify this.
- 5.11 Some risk assessments may also include elements of therapeutic work. Any therapy provided in the course of assessing risk is not covered and will be disallowed on assessment. Therefore, you will need to have nature of work set out very clearly in any quote and/or invoice.

Psychotherapists

- 5.12 In making an assessment of an expert cost or on any application for prior authority, the LAA will make decisions in accordance with paragraph 4.24 of the Standard Civil Contract Specification, which states that any costs in relation to treatment, therapy or training cannot be claimed from the LAA.
- 5.13 Therefore, when considering requests for psychotherapists you are reminded that LAA will not pay for work that is treatment or therapy and you may find it helps to include your letter of instruction with your claim to help in the assessment process.

Drug and Alcohol Testing

- 5.14 It is not necessary to apply for prior authority for drug and alcohol tests provided that the tests carried out reflect what has been directed in the court order.

5.15. The main reason for refusing requested costs for drug and alcohol tests are:

- The length of time the testing should cover. The standard period of testing is 3 months and a longer period will only be allowed if specified in the court order.
- The type of analysis/testing required e.g. is it an Overview/Standard testing basis or on a Month-by-month/Segmented testing basis. Month-by-month/Segmented testing is a costlier method of testing and funding on this basis will be refused unless specified in the court order. If the court order specifies the types of drugs that should be tested then funding will only be agreed to test these specific drugs.
- When the court order orders alcohol testing it should state whether this is for hair, blood or liver function tests. Funding will only be provided for the tests specified in the court order.

5.16 There is no codified rate for sample collection for drug testing although it is considered that the DNA sample collection fee is a comparative fee. A fee of between £50 and £110 per address (covering both hair and blood) would be considered reasonable having regard to the fees payable on DNA testing and potentially more complex collection requirements. Where providers are claiming towards the higher end of the range this would need to be justified on assessment.

5.17 Scram X bracelets for alcohol testing may be claimed if this has been ordered by the court and the testing does not form part of therapy or a support programme.

DNA Testing

5.18 The Regulations include DNA testing rates set on a 'per test' basis, plus a separate fee for report drafting. Payment above the rates set out in the Remuneration Regulations cannot be authorised unless a prior authority has been granted by the LAA.

5.19 A test comprises of father and child (plus mother if required). The amount would increase for each additional child tested. If there are a number of alleged fathers each father and child/children tested would constitute a separate test. The report fee is per report not per person.

5.20 Where a sample fee has been charged a fee of between £50 and £90 *per collection address* would be considered reasonable. This will include any associated costs.

5.21 Where three samples are being collected of the mother, alleged father and child from the same address one collection fee of between £50-£90 would be considered reasonable. Where the DNA sample for the mother and child is collected at one address and the DNA sample of the alleged father is collected at a different address two sample collection fees will be payable. The invoice should detail that the collection took place at different addresses.

5.22 Factors that might point to the higher amount being charged could include difficulty in collating the sample from the client or the number of clients attending

at the same address. This is not however an exhaustive list and we would expect providers to provide details to justify this.

Translation

- 5.23 It will not usually be necessary to apply for prior authority for translation where the rate charged is below £100 per 1,000 words (or the equivalent folio rate of £7-20p). If the cost is higher, you may apply for prior authority.
- 5.24 The LAA will not fund the costs of translating documents relied upon by the local authority before the issue of proceedings, such as letters before proceedings. Such documents should be drafted in a way that can be understood by the recipient so, if translation is necessary, the costs of such translation should be borne by the relevant local authority. The LAA is only able to fund words that have been translated. It is not necessary to apply for prior authority for general correspondence to your client.
- 5.25 In accordance with *Re L (A Child) [2015] EWFC 15*, it is likely that not all the documents in the case will need to be translated but only those which enable the client to understand, for example, the central essence of the local authority's case or which relate or refer specifically to them. This may necessitate the preparation by the solicitors of a summary, but the summary should confine itself to matters of substance rather than fine detail. The length of the summary is dependent on the specific facts of the case although the LAA would generally expect the summary to be around 30 pages.
- 5.26 Where the court has listed the certain documents or parts of documents that need to be translated then this will be sufficient authority for it to be funded at LAA rates and there is no need to apply for a prior authority for the translation of those documents.
- 5.27 There may instances where a video translation may be required for deaf clients who cannot read or write in English.

Transcripts of judgement

- 5.28 In some cases it will be appropriate for the legally aided party to pay for a copy of a transcript of the judgment or to contribute with other parties to such a cost. This is where the client requires it for a possible appeal, the judgment and any findings are to be provided to an expert to consider in the preparation of any report or there has been a finding of fact hearing and the judgement is required as evidence later in the case.
- 5.29 Where fees are incurred after the conclusion of the proceedings in other circumstances this would need to be justified as it may not be considered a reasonable expense. A copy of the court order requesting the transcription should be provided as well as reasons why it is necessary.
- 5.30 There are no codified rates for transcription fees and therefore any assessment will be based on:

- 1) Whether it was reasonable to incur the costs, based on the specific circumstances of each case and;
- 2) If the costs are reasonable and proportionate. The costs charged by the court transcribers would be considered reasonable.

London / Non-London experts

- 5.31 The Remuneration Regulations set out that there are different rates for certain types of experts working inside and outside of London.
- 5.32 The location of the expert will be the determining factor as to whether London or non-London rates or fees apply. London rates will apply where the expert is based within a London Borough and where applicable the location of the expert's registered office will be used to determine which rate will apply. Where an expert works from or has a number of different office locations, the office closest to the provider will determine which rates apply.

Communicating with the client

Intermediaries

- 5.33 In accordance with paragraph 4.28 of the 2018 Standard Civil Contract Specification, the LAA will not fund fees charged for witness intermediary services provided in court, reports in advance of the provision of such services and other work in preparation for or ancillary to court proceedings. Where an intermediary is required for a hearing, an application should be made to HMCTS where appropriate.
- 5.34 Funding can be provided for an intermediary/lay advocate to be used for communication between a provider and their client away from the court room in the course of the legal representation provided, subject to the LAA being satisfied that it is a justifiable and reasonable disbursement.

Interpreters

- 5.35 The HMCTS position on interpreters is set out in their guidance <https://intranet.justice.gov.uk/documents/2016/10/hmcts-language-services-guidance.pdf>. Where a client is eligible for legal aid and requires an interpreter then their solicitor will secure an interpreter on their behalf. The interpreter will be available at the court to translate what the solicitor and client say to each other. This will usually involve discussions outside of the court room.
- 5.36 It may be appropriate for the legally aided interpreter to be in court during the hearing, e.g. a solicitor want to give instructions to their client in court or to discuss issues that have been raised in court at any point during the hearing. All attendance including waiting can be claimed at the codified rate for interpreters.

Foreign law

- 5.37 Where the court requires advice on foreign law to enable them to make an order in England and Wales e.g. an opinion on the validity of a marriage this is in

scope under section 32 of LASPO. However, if once the order was made in the UK and the client wanted to obtain mirror orders overseas, this would be out of scope under section 32.

- 5.38 Advice on foreign law may be quoted in the local currency of that expert and the exchange rate may change over time. The prior authority will be based on the exchange rate at the time, if this subsequently increases there is no need to apply for an additional prior authority.

Additional advice in connection with immigration law in a foreign jurisdiction

- 5.39 Although it relates specifically to immigration advice given in connection with a family matter some of the principles may have wider application.

- 5.40 Advice on foreign legislation should only be provided by an individual with the relevant expert knowledge of the immigration law in that specific jurisdiction. Please attach the CV or evidence of the relevant qualifications and expertise of the individual giving the advice. Expert advice on immigration law in a foreign jurisdiction can be provided by:

- (a) a legal practitioner who is qualified to practice in this jurisdiction who has verifiable expertise in the immigration law of the country concerned (including those who are also qualified to practice in the country concerned). In this case remuneration will depend on the nature of the provider:
 - i. another solicitor firm would be remunerated by way of standard hourly rates (under table 10(b) of Schedule 1 to the civil remuneration regulations); and
 - ii. counsel would be remunerated by way of standard hourly rates (under Schedule 2 to the civil remuneration regulations);
- (b) a legal practitioner not qualified to practice in this jurisdiction but in another jurisdiction who is a Court ordered expert in the immigration law of the country concerned would be paid as an expert. As there are no codified rates you need to apply for prior authority. The LAA would then use its discretion under paragraph 3 of Schedule 5 of the civil remuneration regulations to determine the most appropriate rate to pay and may use the current rates in Schedule 2 as the comparator; or,
- (c) an individual who is not a legal practitioner but who is a Court ordered expert in the immigration law of the country concerned would be paid as an expert. As there are no codified rates you need to apply for prior authority. The LAA would then use its discretion under paragraph 3 of Schedule 5 of the civil remuneration regulations to determine the most appropriate rate to pay and may use the current rates in Schedule 2 as the comparator.

Additional advice in connection with immigration law in England and Wales

- 5.41 Advice on domestic (E&W) legislation can be provided by either another solicitor or another firm with relevant expertise or Counsel.

- 5.42 Where the advice is provided by a solicitor remuneration would depend upon the nature of the proceedings. In private law cases it would form part of the work

captured by the fixed fee payable (under table 3 (f) of Schedule 1 to the civil remuneration regulations); and in public law cases, it would form part the work captured by the fixed representation fee payable (under table 2(c) of Schedule 1 to the civil remuneration regulations).

- 5.43 As with any work legitimately done under those fees, it would count towards the calculation of whether the case reaches the escape threshold. Where the threshold is exceeded then hourly rates would be payable for the whole of the work, including the additional immigration advice (under tables 9(a) or (b) to Schedule 1 the civil remuneration regulations, as appropriate). However, if threshold is not reached no additional payment would be made.
- 5.44 Where the advice is provided by Counsel this would be paid as an opinion and would be remunerated at the fixed fee rate of £105.00 as specified in tables 1(a), 1(b), 2(a) or 2(c) of Schedule 3 to the civil remuneration regulations, as relevant.

Process servers

- 5.45 Service for orders where a person's liberty could be at risk must be personally served wherever possible.
- 5.46 It would usually be considered reasonable to allow a few telephone calls to facilitate the service of documents. Some process servers will claim a flat rate for these telephone calls which is reasonable. Although not a requirement outside of committal and freezing orders, the court prefers any affidavit/statement of service to be officially sworn so the cost of the swear fee is allowable under Legal Aid so they can be certain the respondent has received and understood the order. The cost of doing so is set by whoever is available to administer the oath and is around £5 for the affidavit and then a further £2 for each additional document as exhibits. Where charges have been made for additional documents full details of what these documents are should be provided.
- 5.47. Given the nature of the work undertaken by process servers it is considered that the hourly rate applies to time spent travelling. The process server should detail on their invoice where they are travelling to and from. Generally, there is an expectation that an enquiry agent within either the locality of the court or respondent would be instructed.
- 5.48 Where the process server has attempted service on more than three occasions this should be justified by the provider/process server. We may also question whether substituted service was considered by the court.

Medical records

- 5.49 Where a client is requesting their medical records then this should be done under a subject access request. There will be circumstances where a doctor's surgery will not treat a request as a subject access request and will charge e.g. when solicitors seek them for the purpose of court assessments arising from a court order for expert assessment These costs should be submitted as disbursements along with an invoice from the surgery.

5.50 For information disclosure requests that incur a fee, we would expect to see details of the fee in the case file as fees vary and a justification of a charge being made. This may be in the letter from the charging organisation, a copy of information from their website or a short note from the provider on the file. Where requests for information fall outside the scope of GDPR and incur a charge, we would expect to see an invoice, covering letter or a copy of the ledger from the organisation disclosing the information which details the payment.

Police disclosure

5.51 Requests for police disclosure are often for full disclosure including third party information and are made pursuant to the Family and Police protocol or a court order where the police fail to comply with the protocol or where an order is made by the court for speed and in private law cases.

5.52 Police disclosure requests incur a fee. The LAA would usually expect to see an invoice in support of a claim. However, many police authorities do not provide an invoice. In these circumstances the provider should confirm that in their covering letter and provide a copy of their ledger detailing the payment to the relevant police force. For payments on account it will be sufficient for an invoice (or in its absence a ledger) to be provided.

6 Expert standards in family matters involving disputes about children

6.1 Subject to any order made by the court, the LAA will only pay for expert witnesses in family matters relating to children where those experts comply with any standards as may be specified from time to time in any Practice Direction supplementing the Family Procedure Rules.

6.2 The standards apply to care and supervision proceedings, adoption proceedings and those private law cases relating to arrangements for children that remain within the scope of legal aid.

6.3 If expert standards are introduced in any Practice Direction supplementing the Family Procedure Rules they will apply to all expert instructions that take place on/after that date regardless of the date that the certificate was issued.

6.4 Responsibility for compliance with the standards in the Practice Directions rests with individual experts. The standards can be found here:
https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/practice-direction-25b-the-duties-of-an-expert,-the-experts-report-and-arrangements-for-an-expert-to-attend-court

6.5 Providers must be able to demonstrate to the LAA that they are satisfied that the expert meets the standards. The expert's CV and their signed 'statement of truth' will be sufficient for these purposes. When requesting funding for expert costs providers will need to confirm that the expert meets the standards.

6.6 If a court directs that an individual expert who does not meet the standards should be used the solicitor may wish to apply to the LAA for prior authority for the expert's costs. The prior authority application should be accompanied by a copy of the court order as well as the expert's CV.

7 Payment on Account for Experts

- 7.1 Solicitors should consider any claims for POAs being submitted against the above guidance. This will avoid unnecessary recoups from over payment of POAs at the end of a case.

8 Payment of Experts Bills

- 8.1. The LAA will assess experts' fees when paying the final bills. The fees will be considered for reasonableness in light of any court directions and the work undertaken.
- 8.2. In order to assist it would be beneficial for CLAIM1 and CLAIM1A schedule of disbursements and experts being claimed to be linked to the associated documents. We would ask for each invoice scheduled on Page 6 to be numbered (line 1, 2, 3 etc) and the associated documents to ordered and attached in number order:
- a. The invoices showing the hours and hourly rates (numbered 1, 2, 3 etc).
 - b. The court order relating to the invoice.
 - c. If relevant, the parties over which the fees are being apportioned.
 - d. A copy of a letter from the LAA granting authority to incur an expert cost.
- 8.3 An expert does not need to create multiple invoices for each instructing solicitor. As long as the invoice contains all the information required then a single invoice with all the parties names on it is sufficient and each solicitor should submit a copy of the invoice.
- 8.4 If an expert expresses concern about their full postcode being provided you can submit only the first part of the expert's post code. This may lead to a slight variance in the calculation of mileage.

Pre-December 2013 expert's invoices

- 8.5 We recognise that experts instructed prior to the December 2013 reforms may not have quoted their hourly rate.
- 8.6 For these cases, the provisions for assessment require that we are satisfied that work arising is reasonable to be undertaken, reasonable in time expended and reasonable in hourly rate. For those disbursements that arise from a 'fixed fee' structure where the invoice pre-dates fixed rates our caseworkers will require an understanding of those costs. The invoice must contain details of:
- the identity or status of the third part instructed; and
 - an indication of the amount charged; and
 - details of the case/client.
- 8.7 The absence of any of this information may not substantiate that the costs are 'properly incurred' or that they are 'properly chargeable to a client'. As such any additional information a provider can supply to place that work in context is

necessary to allow an informed judgement and to prevent costs being reduced on assessment.

Annex 1

Expert rates on cases started on/after 2nd December 2013

The Civil Legal Aid (Remuneration) (Amendment) Regulations 2013

Experts' fees and rates

| <i>Expert</i> | <i>Non-London – Hourly rate unless stated to be a fixed fee</i> | <i>London – Hourly rate unless stated to be a fixed fee</i> |
|--|---|---|
| A&E consultant | £100.80 | £108 |
| Accident reconstruction | £72 | £54.40 |
| Accountant | £64 | £64 |
| Accountant (general staff) | £40 | £40 |
| Accountant (manager) | £86.40 | £86.40 |
| Accountant (partner) | £108 | £115.20 |
| Anaesthetist | £108 | £108 |
| Architect | £79.20 | £72 |
| Cardiologist | £115.20 | £115.20 |
| Cell telephone site analysis | £72 | £72 |
| Child psychiatrist | £108 | £108 |
| Child psychologist | £100.80 | £100.80 |
| Computer expert | £72 | £72 |
| Consultant engineer | £72 | £54.40 |
| Dentist | £93.60 | £93.60 |
| Dermatologist | £86.40 | £86.40 |
| Disability consultant | £54.40 | £54.40 |
| DNA (testing of sample) | £252 per test | £252 per test |
| DNA (preparation of report) | £72 | £72 |
| Doctor (GP) | £79.20 | £72 |
| Employment consultant | £54.40 | £54.40 |
| Enquiry agent | £25.60 | £18.40 |
| ENT surgeon | £100.80 | £100.80 |
| General surgeon | £108 | £72 |
| Geneticist | £86.40 | £86.40 |
| GP (records report) | £50.40 fixed fee | £72 fixed fee |
| Gynaecologist | £108 | £72 |
| Haematologist | £97.60 | £72 |
| Handwriting expert | £72 | £72 |
| Interpreter | £28 | £25 |
| Lip reader/Signer | £57.60 | £32.80 |
| Mediator | £100.80 | £100.80 |
| Medical consultant | £108 | £72 |
| Medical microbiologist | £108 | £108 |
| Meteorologist | £100.80 | £144 fixed fee |
| Midwife | £72 | £72 |
| Neonatologist (non-clinical negligence-cerebral palsy case) | £108 | £108 |

| | | |
|---|---------|----------------|
| Neonatologist (clinical negligence-cerebral palsy case) | £180 | £180 |
| Neurologist (non-clinical negligence-cerebral palsy case)] | £122.40 | £72 |
| Neurologist (clinical negligence-cerebral palsy case) | £200 | £200 |
| Neuropsychiatrist | £126.40 | £72 |
| Neuroradiologist (non-clinical negligence-cerebral palsy cases) | £136.80 | £136.80 |
| Neuroradiologist (clinical negligence-cerebral palsy case) | £180 | £180 |
| Neurosurgeon | £136.80 | £72 |
| Nursing expert | £64.80 | £64.80 |
| Obstetrician | £108 | £108 |
| Occupational therapist | £54.40 | £54.40 |
| Oncologist | £112 | £112 |
| Orthopaedic surgeon | £115.20 | £115.20 |
| Paediatrician | £108 | £72 |
| Pathologist | £122.40 | £432 fixed fee |
| Pharmacologist | £97.60 | £97.60 |
| Photographer | £25.60 | £18.40 |
| Physiotherapist | £64.80 | £64.80 |
| Plastic surgeon | £108 | £108 |
| Process server | £25.60 | £18.40 |
| Psychiatrist | £108 | £108 |
| Psychologist | £93.60 | £93.60 |
| Radiologist | £108 | £108 |
| Rheumatologist | £108 | £108 |
| Risk assessment expert | £50.40 | £50.40 |
| Speech therapist | £79.20 | £79.20 |
| Surveyor (housing disrepair) | £85 | £115 |
| Surveyor (non-housing disrepair) | £40 | £40 |
| Telecoms expert | £72 | £72 |
| Toxicologist | £108 | £108 |
| Urologist | £108 | £108 |
| Vet | £72 | £72 |
| Voice recognition | £93.60 | £72 |

The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2013

Experts' Fees and Rates

| <i>Expert</i> | <i>Non-London – Hourly rate unless stated to be a fixed fee</i> | <i>London – Hourly rate unless stated to be a fixed fee</i> |
|------------------------------|---|---|
| A&E consultant | £100.80 | £108 |
| Accident reconstruction | £72 | £54.40 |
| Accountant | £64 | £64 |
| Accountant (general staff) | £40 | £40 |
| Accountant (manager) | £86.40 | £86.40 |
| Accountant (partner) | £115.20 | £115.20 |
| Anaesthetist | £108 | £72 |
| Architect | £79.20 | £72 |
| Back calculations | £144 fixed fee | £151.20 fixed fee |
| Benefit expert | £72 | £72 |
| Cardiologist | £115.20 | £72 |
| Cell telephone site analysis | £72 | £72 |
| Child psychiatrist | £108 | £72 |
| Child psychologist | £100.80 | £72 |
| Computer expert | £72 | £72 |
| Consultant engineer | £72 | £54.40 |
| Dentist | £93.60 | £72 |
| Dermatologist | £86.40 | £72 |
| Disability consultant | £54.40 | £54.40 |
| DNA (testing of sample) | £252 per test | £252 per test |
| DNA (preparation of report) | £72 | £72 |
| Doctor (GP) | £79.20 | £72 |
| Drug expert | £72 | £72 |
| Employment consultant | £54.40 | £54.40 |
| Enquiry agent | £25.60 | £18.40 |
| ENT surgeon | £100.80 | £72 |
| Facial Mapping | £108 | £72 |
| Fingerprint expert | £72 | £37.60 |
| Fire investigation | £72 | £54.40 |
| Firearm expert | £72 | £72 |
| Forensic scientist | £90.40 | £72 |
| General surgeon | £108 | £72 |
| Geneticist | £86.40 | £72 |
| GP (records report) | £50.40 fixed fee | £72 fixed fee |
| Gynaecologist | £108 | £72 |
| Haematologist | £97.60 | £72 |
| Handwriting expert | £72 | £72 |
| Interpreter | £28 | £25 |
| Lip reader/Signer | £57.60 | £32.80 |
| Mediator | £100.80 | £100.80 |
| Medical consultant | £108 | £72 |
| Medical microbiologist | £108 | £72 |
| Medical Report | £79.20 | £72 |
| Meteorologist | £100.80 | £144 fixed fee |
| Midwife | £72 | £72 |

| | | |
|------------------------|---------|----------------|
| Neonatologist | £108 | £72 |
| Neurologist | £122.40 | £72 |
| Neuropsychiatrist | £126.40 | £72 |
| Neuroradiologist | £136.80 | £72 |
| Neurosurgeon | £136.80 | £72 |
| Nursing expert | £64.80 | £64.80 |
| Obstetrician | £108 | £72 |
| Occupational therapist | £54.40 | £54.40 |
| Oncologist | £112 | £72 |
| Orthopaedic surgeon | £115.20 | £72 |
| Paediatrician | £108 | £72 |
| Pathologist | £122.40 | £432 fixed fee |
| Pharmacologist | £97.60 | £72 |
| Photographer | £25.60 | £18.40 |
| Physiotherapist | £64.80 | £64.80 |
| Plastic surgeon | £108 | £72 |
| Process server | £25.60 | £18.40 |
| Psychiatrist | £108 | £72 |
| Psychologist | £93.60 | £72 |
| Radiologist | £108 | £72 |
| Rheumatologist | £108 | £72 |
| Risk assessment expert | £50.40 | £50.40 |
| Speech therapist | £79.20 | £72 |
| Surgeon | £108 | £72 |
| Surveyor | £40 | £40 |
| Telecoms expert | £72 | £72 |
| Toxicologist | £108 | £72 |
| Urologist | £108 | £72 |
| Vet | £72 | £72 |
| Voice recognition | £93.60 | £72 |

Annex 2

Expert rates on cases started between 1st April 2013 and 1st December 2013

The Civil Legal Aid (Remuneration) Regulations 2013

SCHEDULE 1

Experts' fees and rates

| <i>Expert</i> | <i>Non-London - Hourly Rate unless stated to be a Fixed Fee</i> | <i>London - Hourly Rate unless stated to be a Fixed Fee</i> | <i>Comments</i> |
|---------------------------------|---|---|--|
| A&E consultant | £126 | £135 | |
| Accident reconstruction | £90 | £68 | |
| Accountant | £50 - £135 | £50 - £144 | Partner £144, Manager £108, Accountant £80, General staff £50 |
| Anaesthetist | £135 | £135 | |
| Architect | £99 | £90 | |
| Cardiologist | £144 | £144 | |
| Cell telephone site analysis | £90 | £90 | |
| Child psychiatrist | £135 | £135 | |
| Child psychologist | £126 | £126 | |
| Computer expert | £90 | £90 | |
| Consultant engineer | £90 | £68 | |
| Dentist | £117 | £117 | |
| Dermatologist | £108 | £108 | |
| Disability consultant | £68 | £68 | |
| DNA-testing of sample | £315 per test | £315 per test | |
| DNA-preparation of report | £90 | £90 | |
| Doctor (GP) | £99 | £90 | |
| Employment consultant | £68 | £68 | |
| Enquiry agent | £32 | £23 | |
| ENT surgeon | £126 | £126 | |
| General surgeon | £135 | £90 | |
| Geneticist | £108 | £108 | |
| GP (records report) | £63 fixed fee | £90 fixed fee | |
| Gynaecologist | £135 | £90 | |
| Haematologist | £122 | £90 | |
| Handwriting expert | £90 | £90 | |
| Interpreter | £32 | £25 | |
| Lip reader/Signer | £72 | £41 | |
| Mediator | £126 | £126 | |
| Medical consultant | £135 | £90 | |
| Medical microbiologist | £135 | £135 | |
| Meteorologist | £126 | £180 fixed fee | |

| | | |
|----------------------------------|------|----------------|
| Midwife | £90 | £90 |
| Neonatologist | £135 | £135 |
| Neurologist | £153 | £90 |
| Neuropsychiatrist | £158 | £90 |
| Neuroradiologist | £171 | £171 |
| Neurosurgeon | £171 | £90 |
| Nursing expert | £81 | £81 |
| Obstetrician | £135 | £135 |
| Occupational therapist | £68 | £68 |
| Oncologist | £140 | £140 |
| Orthopaedic surgeon | £144 | £144 |
| Paediatrician | £135 | £90 |
| Pathologist | £153 | £540 fixed fee |
| Pharmacologist | £122 | £122 |
| Photographer | £32 | £23 |
| Physiotherapist | £81 | £81 |
| Plastic surgeon | £135 | £135 |
| Process server | £32 | £23 |
| Psychiatrist | £135 | £135 |
| Psychologist | £117 | £117 |
| Radiologist | £135 | £135 |
| Rheumatologist | £135 | £135 |
| Risk assessment expert | £63 | £63 |
| Speech therapist | £99 | £99 |
| Surveyor (non housing-disrepair) | £50 | £50 |
| Surveyor (housing-disrepair) | £85 | £115 |
| Telecoms expert | £90 | £90 |
| Toxicologist | £135 | £135 |
| Urologist | £135 | £135 |
| Vet | £90 | £90 |
| Voice recognition | £117 | £90 |

The Criminal Legal Aid (Remuneration) Regulations 2013

SCHEDULE 2

Experts' Fees and Rates

| <i>Expert</i> | <i>Non-London Hourly Rate or Fixed Fee</i> | <i>London Hourly Rate or Fixed Fee</i> | <i>Comments</i> |
|--|--|--|---|
| A&E consultant | £126 | £135 | |
| Accident reconstruction | £90 | £68 | |
| Accountant | £50-144 | £50-144 | Partner £144; Manager £108; Accountant £80; General staff £50. |
| Anaesthetist | £135 | £90 | |
| Architect | £99 | £90 | |
| Back calculations | £180 fixed fee | £189 fixed fee | |
| Benefit expert | £90 | £90 | |
| Cardiologist | £144 | £90 | |
| Cell telephone site analysis | £90 | £90 | |
| Child psychiatrist | £135 | £90 | |
| Child psychologist | £126 | £90 | |
| Computer expert | £90 | £90 | |
| Consultant engineer | £90 | £68 | |
| Dentist | £117 | £90 | |
| Dermatologist | £108 | £90 | |
| Disability consultant | £68 | £68 | |
| DNA (per person) - testing of sample | £315 per test | £315 per test | |
| DNA (per person) – preparation of report | £90 | £90 | |
| Doctor (GP) | £99 | £90 | |
| Drug expert | £90 | £90 | |
| Employment consultant | £68 | £68 | |
| Enquiry agent | £32 | £23 | |
| ENT surgeon | £126 | £90 | |
| Facial mapping | £135 | £90 | |
| Fingerprint expert | £90 | £47 | |
| Fire investigation | £90 | £68 | |
| Firearm expert | £90 | £90 | |
| Forensic scientist | £113 | £90 | |
| General surgeon | £135 | £90 | |
| Geneticist | £108 | £90 | |
| GP (records report) | £63 fixed fee | £90 fixed fee | |
| Gynaecologist | £135 | £90 | |
| Haematologist | £122 | £90 | |
| Handwriting expert | £90 | £90 | |
| Interpreter | £32 | £25 | |
| Lip reader / Signer | £72 | £41 | |
| Mediator | £126 | £126 | |
| Medical consultant | £135 | £90 | |

| | | |
|------------------------|------|----------------|
| Medical microbiologist | £135 | £90 |
| Medical report | £99 | £90 |
| Meteorologist | £126 | £180 fixed fee |
| Midwife | £90 | £90 |
| Neonatologist | £135 | £90 |
| Neurologist | £153 | £90 |
| Neuropsychiatrist | £158 | £90 |
| Neuroradiologist | £171 | £90 |
| Neurosurgeon | £171 | £90 |
| Nursing expert | £81 | £81 |
| Obstetrician | £135 | £90 |
| Occupational therapist | £68 | £68 |
| Oncologist | £140 | £90 |
| Orthopaedic surgeon | £144 | £90 |
| Paediatrician | £135 | £90 |
| Pathologist | £153 | £540 fixed fee |
| Pharmacologist | £122 | £90 |
| Photographer | £32 | £23 |
| Physiotherapist | £81 | £81 |
| Plastic surgeon | £135 | £90 |
| Process server | £32 | £23 |
| Psychiatrist | £135 | £90 |
| Psychologist | £117 | £90 |
| Radiologist | £135 | £90 |
| Rheumatologist | £135 | £90 |
| Risk assessment expert | £63 | £63 |
| Speech therapist | £99 | £90 |
| Surgeon | £135 | £90 |
| Surveyor | £50 | £50 |
| Telecoms expert | £90 | £90 |
| Toxicologist | £135 | £90 |
| Urologist | £135 | £90 |
| Vet | £90 | £90 |
| Voice recognition | £117 | £90 |

Annex 3

Expert rates on cases started between 3rd October 2011 and 31st March 2013

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

SCHEDULE 6

Experts' Fees and Rates

Section 1

Table

| <i>Expert</i> | <i>Non- London Hourly Rate or fixed fee</i> | <i>London Hourly Rate or fixed fee</i> | <i>Comments</i> |
|--|---|--|---|
| A&E consultant | £126 | £135 | |
| Accident reconstruction | £90 | £68 | |
| Accountant | £50 - £135 | £50 - £144 | Partner £144, Manager £108, Accountant £80, General staff £50 |
| Anaesthetist | £135 | £135 | |
| Architect | £99 | £90 | |
| Cardiologist | £144 | £144 | |
| Cell telephone site analysis | £90 | £90 | |
| Child psychiatrist | £135 | £90 | |
| Child psychologist | £126 | £90 | |
| Computer expert | £90 | £90 | |
| Consultant engineer | £90 | £68 | |
| Dentist | £117 | £117 | |
| Dermatologist | £108 | £108 | |
| Disability consultant | £68 | £68 | |
| DNA (per person) – testing of sample | £315 per test | £315 per test | |
| DNA (per person) – preparation of report | £90 | £90 | |
| Doctor (GP) | £99 | £90 | |
| Employment consultant | £68 | £68 | |
| Enquiry agent | £32 | £23 | |
| ENT surgeon | £126 | £126 | |
| General surgeon | £135 | £90 | |
| Geneticist | £108 | £108 | |
| GP (records report) | £63 fixed fee | £90 fixed fee | |
| Gynaecologist | £135 | £90 | |
| Haematologist | £122 | £90 | |
| Handwriting expert | £90 | £90 | |
| Interpreter | £32 | £25 | |
| Lip reader / Signer | £72 | £41 | |
| Mediator | £126 | £126 | |
| Medical consultant | £135 | £90 | |
| Medical microbiologist | £135 | £135 | |
| Meteorologist | £126 | £180 fixed fee | |
| Midwife | £90 | £90 | |
| Neonatologist | £135 | £135 | |
| Neurologist | £153 | £90 | |
| Neuropsychiatrist | £158 | £90 | |
| Neuroradiologist | £171 | £171 | |
| Neurosurgeon | £171 | £90 | |
| Nursing expert | £81 | £81 | |

| | | |
|------------------------|------|----------------|
| Obstetrician | £135 | £135 |
| Occupational therapist | £68 | £68 |
| Oncologist | £140 | £140 |
| Orthopaedic surgeon | £144 | £144 |
| Paediatrician | £135 | £90 |
| Pathologist | £153 | £540 fixed fee |
| Pharmacologist | £122 | £122 |
| Photographer | £32 | £23 |
| Physiotherapist | £81 | £81 |
| Plastic surgeon | £135 | £135 |
| Process server | £32 | £23 |
| Psychiatrist | £135 | £90 |
| Psychologist | £117 | £90 |
| Radiologist | £135 | £135 |
| Rheumatologist | £135 | £135 |
| Risk assessment expert | £63 | £63 |
| Speech therapist | £99 | £99 |
| Surveyor | £50 | £50 |
| Telecoms expert | £90 | £90 |
| Toxicologist | £135 | £135 |
| Urologist | £135 | £135 |
| Vet | £90 | £90 |
| Voice recognition | £117 | £90 |

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

SCHEDULE 6

Experts' Fees and Rates

| <i>Expert</i> | <i>Non-London Hourly Rate or fixed fee</i> | <i>London Hourly Rate or fixed fee</i> | <i>Comments</i> |
|--|--|--|---|
| A&E consultant | £126 | £135 | |
| Accident reconstruction | £90 | £68 | |
| Accountant | £50 - £144 | £50 - £144 | Partner £144, Manager £108, Accountant £80, General staff £50. |
| Anaesthetist | £135 | £90 | |
| Architect | £99 | £90 | |
| Back calculations | £180 fixed fee | £189 fixed fee | |
| Benefit expert | £90 | £90 | |
| Cardiologist | £144 | £90 | |
| Cell telephone site analysis | £90 | £90 | |
| Child psychiatrist | £135 | £90 | |
| Child psychologist | £126 | £90 | |
| Computer expert | £90 | £90 | |
| Consultant engineer | £90 | £68 | |
| Dentist | £117 | £90 | |
| Dermatologist | £108 | £90 | |
| Disability consultant | £68 | £68 | |
| DNA (per person) – testing of sample | £315 per test | £315 per test | |
| DNA (per person) – preparation of report | £90 | £90 | |
| Doctor (GP) | £99 | £90 | |
| Drug expert | £90 | £90 | |
| Employment consultant | £68 | £68 | |
| Enquiry agent | £32 | £23 | |
| ENT surgeon | £126 | £90 | |
| Facial mapping | £135 | £90 | |
| Fingerprint expert | £90 | £47 | |
| Fire investigation | £90 | £68 | |
| Firearm expert | £90 | £90 | |
| Forensic scientist | £113 | £90 | |
| General surgeon | £135 | £90 | |
| Geneticist | £108 | £90 | |
| GP (records report) | £63 fixed fee | £90 fixed fee | |

| | | |
|------------------------|------|----------------|
| Gynaecologist | £135 | £90 |
| Haematologist | £122 | £90 |
| Handwriting expert | £90 | £90 |
| Interpreter | £32 | £25 |
| Lip reader / Signer | £72 | £41 |
| Mediator | £126 | £126 |
| Medical Consultant | £135 | £90 |
| Medical microbiologist | £135 | £90 |
| Medical Report | £99 | £90 |
| Meteorologist | £126 | £180 fixed fee |
| Midwife | £90 | £90 |
| Neonatologist | £135 | £90 |
| Neurologist | £153 | £90 |
| Neuropsychiatrist | £158 | £90 |
| Neuroradiologist | £171 | £90 |
| Neurosurgeon | £171 | £90 |
| Nursing expert | £81 | £81 |
| Obstetrician | £135 | £90 |
| Occupational Therapist | £68 | £68 |
| Oncologist | £140 | £90 |
| Orthopaedic surgeon | £144 | £90 |
| Paediatrician | £135 | £90 |
| Pathologist | £153 | £540 fixed fee |
| Pharmacologist | £122 | £90 |
| Photographer | £32 | £23 |
| Physiotherapist | £81 | £81 |
| Plastic surgeon | £135 | £90 |
| Process server | £32 | £23 |
| Psychiatrist | £135 | £90 |
| Psychologist | £117 | £90 |
| Radiologist | £135 | £90 |
| Rheumatologist | £135 | £90 |
| Risk assessment expert | £63 | £63 |
| Speech therapist | £99 | £90 |
| Surgeon | £135 | £90 |
| Surveyor | £50 | £50 |
| Telecoms expert | £90 | £90 |
| Toxicologist | £135 | £90 |
| Urologist | £135 | £90 |
| Vet | £90 | £90 |
| Voice recognition | £117 | £90 |

Annex 4

Cases opened before 2nd December 2013

- 1.1 Rates for certain types of expert have been in place since October 2011 following the consultations on the Community Legal Service (Funding) (Amendment No2) Order 2011 and the Criminal Defence Service (Funding) (Amendment) Order 2011.
- 1.2 The rates in those Funding Orders apply to all civil, family and crime work with a start date or representation order date **after 3rd October 2011 but before 1st April 2013**. Attention, however, is also drawn to the transitional provisions in the Legal Aid Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013.
- 1.3 The Civil Legal Aid (Remuneration) Regulations 2013 and the Criminal Legal Aid (Remuneration) Regulations 2013, introduced changes to some of the existing rates, including removing the London/non-London rate differentials for some expert types, as well as a higher rate for surveyors working in housing disrepair matters.
- 1.4 The rates in those Remuneration Regulations apply to all civil, family and crime work with a start date or representation order date **after 1st April 2013 but before 2nd December 2013**. Attention is drawn, however, to the transitional provisions that will apply, which are contained in Part 2 of the Civil Legal Aid (Remuneration) (Amendment) Regulations 2013.
- 1.5 A list of the applicable rates for cases started between 1st April 2013 and 1st December 2013 is enclosed at **Annex 2**.
- 1.6 A list of the applicable rates for cases started between 3rd October 2011 and 31st March 2013 is enclosed at **Annex 3**.
- 1.7 The provisions outlined in sections 2, 3, 4, 5 and 6 of this guidance, which apply to post-December 2013 cases, also apply to these cases.
- 1.8 The information required on experts' invoices on these cases are set out above in Paragraphs 9.3 to 9.5.

Hourly Rates in excess of the codified rates

| | |
|-------------------------------------|--------|
| Geneticist | £171 |
| Lip Reader/Signer/Deaf intermediary | £57.60 |
| Paediatric neuro-radiologist | £180 |
| Paediatrician (London) | £108 |

Hourly Rates not set out in the Remuneration Regulations

| | |
|--|---------|
| Endocrinologist | £108 |
| Genetic testing | £2,250 |
| Nephrologist | £108 |
| Ophthalmologist (incl) Paediatric ophthalmologist | £108 |
| Paediatric Haematologist | £122.40 |