

LSANI Authorities Guidance

Seeking Prior Authority for Expert Witnesses – All Levels of Service

Date	Version	Reason / Update details
May 2026	0.1	Draft
July 2026	1.0	Final

LSANI Authorities Guidance - Seeking Prior Authority for Expert Witnesses – All Levels of Service

1. Background

- 1.1 The Legal Services Agency (“the Agency”) considers requests for prior authority for experts made under Regulation 37(3), 44(1) and 49(7) of the Civil Legal Services (General) Regulations (Northern Ireland) 2015 (“the General Regulations”) and the Magistrates’ Courts and County Courts Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009 and Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005.
- 1.2 The Agency has completed a review of how requests for Authorities are dealt with, this is in response to feedback from practitioners and recognises changes introduced by the [Procurement Act 2023](#).
- 1.3 This review has taken account of, practitioner feedback, data from the Legal Aid Management System, in addition to consideration of approaches adopted in other jurisdictions. As a result of the review, a framework has been developed to support the process to request prior authority for experts, and guidance is set out in this document. The aim of the framework is a process that is transparent, efficient and meets the needs of practitioners and the Agency’s responsibility to secure value for money.
- 1.4 The Agency has a statutory duty to aim to obtain the best possible value for money, and at all times, practitioners should be conscious of the cost to the public purse where they are acting for a legally aided client and requesting authority to instruct an expert.

V1.0 July 2026

2. Scope of this guidance

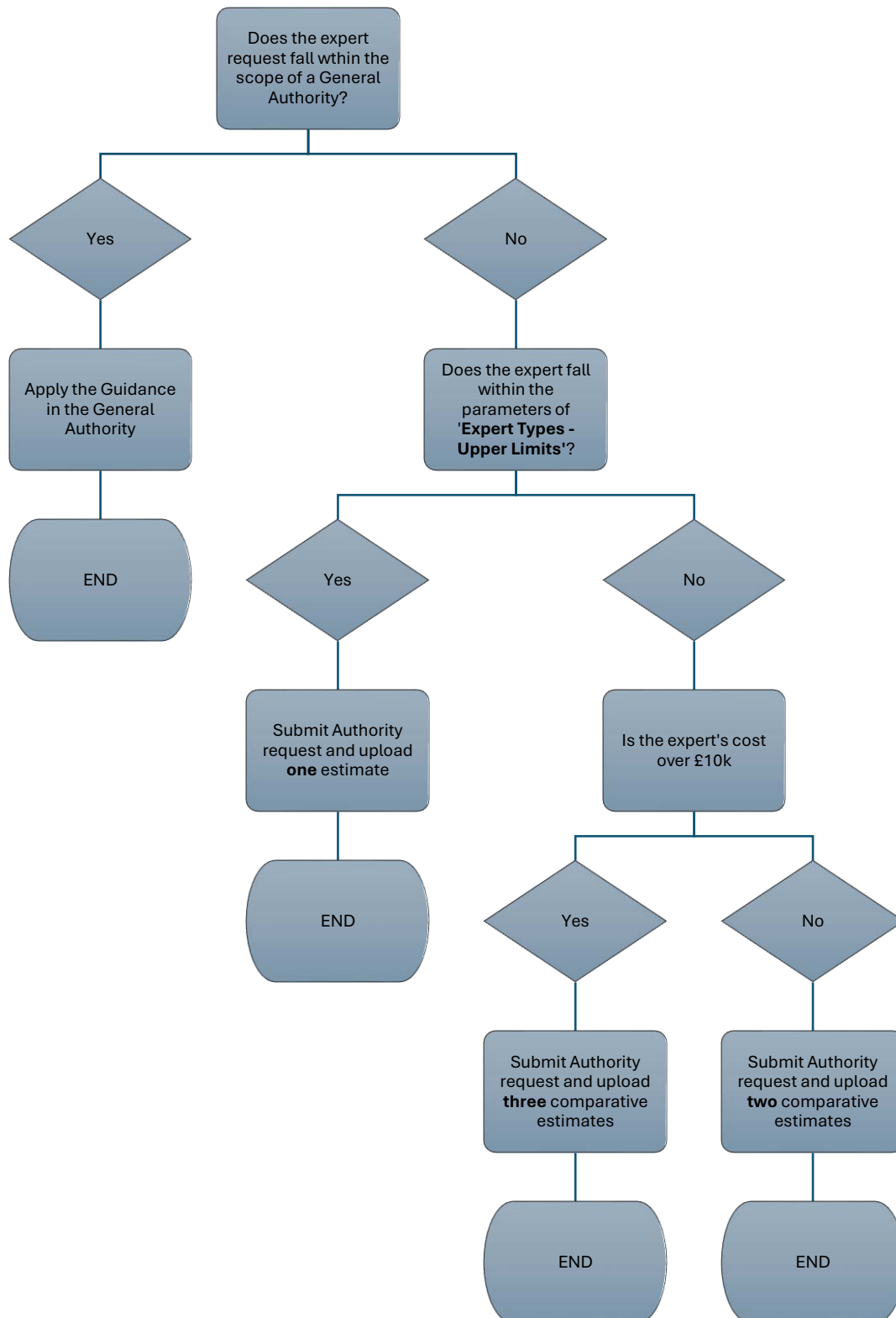
- 2.1 This guidance applies to all new requests made on or after 06 July 2026 seeking prior authority to instruct experts on foot of an existing legal aid certificate across all levels of service, save for those covered under an existing General Authority and requests for an interpreter/translator which are subject to a separate process. The process is set out at paragraph [3](#) and represented in a flow chart at paragraph 3.5.
- 2.2 The Agency acknowledges that in criminal matters prior authorities are not required under the provisions Rule 9 of the [Legal Aid for Crown Court Proceedings \(Costs\) Rules \(Northern Ireland\) 2005](#). However, given the practice of practitioners to seek prior authority this guidance extends to criminal certificates of legal aid.
- 2.3 This guidance does not amend any of the existing General Authorities (including the [General Authority on the use of psychiatrists and psychologists as expert witnesses in public law Children Order cases in the Family Proceedings Court](#)) all of which remain in operation and links to which are contained in the published list of General Authorities.
- 2.4 The Agency is required to have regard to all appropriate legislation in administering legal aid in Northern Ireland, as such, in line with the Procurement Act 2023, where the total cost of the work is outside the parameters of '**Expert Types – Upper Limits**' and under £10,000 the Agency will require at least two comparative estimates and where the total cost exceeds £10,000 then at least three comparative estimates will be required before considering prior authority.
- 2.5 Where any request for prior authority is received on or after 6 July 2026 and is not compliant with this guidance it will be returned under query to the practitioner and will remain under query for a period of 21 days. Should no response be received within 21 days the request will be withdrawn.

V1.0 July 2026

3. Process to seek authority

- 3.1 Authority requests that fall outside the published General Authorities must be made under this guidance.
- 3.2 **'Expert Types – Upper Limits'** sets out the parameters for hourly rates and hours to be granted for common expert types. If the authority being sought is outside the published **'General Authorities'** and **within** the parameters of **'Expert Types – Upper Limits'**, then submit the authority request on LAMS and provide **one estimate** from the expert you are seeking along with clear justification for your request as per paragraph 4.1 below.
- 3.3 Where the authority is outside the scope of the published **General Authorities and outside** the parameters of the **Expert Types – Upper Limits** and **does not exceed £10k** then submit the Authority request on LAMS and provide **two estimates**; where the authority **exceeds £10k then three estimates must be provided** along with a justification for your request as per paragraph 4.1 below.
- 3.4 Where the required estimates cannot be provided a full explanation will be required as to why they cannot be obtained (evidence will be required).
- 3.5 The following flowchart will assist practitioners in submitting requests:

Submitting a request for prior authority



V1.0 July 2026

4. Making a successful authority request

- 4.1 Expert evidence is often of significant benefit to the Judiciary in making its decisions. Every request for prior authority must set out clearly and succinctly why the expert evidence/report is required either by the solicitor adding explanatory comments into the 'Details' section of the request or via Counsel's Opinion/Directions (which should be uploaded as a Supporting Document, correctly labelled, to the request). Where reliance is placed on Counsel's Opinion the opinion must address specifically the need for the expert and be contemporary to the request.
- 4.2 Where the expert has been directed by the Court, the Court Order must be uploaded as a Supporting Document to the request. Simply noting the existence of a Court Order will not mean the hourly rate or requested hours of the expert will automatically be authorised.
- 4.3 Where the expert is to be instructed jointly the request must make clear the percentage of the total cost that is being requested against the certificate. In addition, the request should confirm who the other parties are to the instruction and whether they are legally aided.
- 4.4 We recognise that you may hold recent estimates for similar, comparable reports in other cases. Where an authority is sought for a report which is general in nature or non-case specific, a previously obtained fee estimate for the same type of report may be relied upon, provided that the estimate is no more than 12 months old and the expert confirms they are still willing to undertake the work at that rate (such confirmation to be clear in the body of the request). The Agency reserves the right to return the request under query and request an alternative estimate where appropriate.
- 4.5 Practitioners should note that the Agency do not consider a number of estimates from one source, being a medical chamber or a provider of expert witnesses, to be comparative estimates. Where these are provided, the Agency will require a detailed explanation as to why no other

V1.0 July 2026

independent estimate could be sourced (to include evidence).

- 4.6 When making a decision the Agency will consider the total costs of the work sought and value for money.
- 4.7 Practitioners are reminded that, where a Legal Aid Certificate is revoked, the Legal Services Agency has the authority to recover all costs paid in the proceedings, including any disbursements. Assisted parties are under an ongoing duty to notify the Agency, through their solicitors, of any change in their financial circumstances which might impact their financial eligibility. The Agency carries out sample checks to verify continued financial eligibility. Practitioners are therefore strongly advised, before seeking prior authority to incur the cost of an expert or other disbursement, to satisfy themselves that the assisted person continues to meet the financial eligibility criteria, in order to avoid any potential recovery of costs arising from a subsequent finding of financial ineligibility.

Expert Estimate

- 4.8 Expert's estimates **must**:
- be uploaded as a Supporting Document
 - be labelled on LAMS with the appropriate label e.g. 'Estimate' or 'Counsel's Opinion'
 - set out the hourly rate to be applied to each aspect of the work
 - include the maximum number of hours required to complete each aspect of the work, including an indication of page count to be briefed to the expert
 - indicate the expert's Court attendance rates (see paragraph 7.2 below) and
 - confirm whether cost is inclusive or exclusive of VAT.

V1.0 July 2026

Authority Granted

- 4.9 When an authority is granted, the narrative in the grant will indicate that authority is granted for 'up to a maximum value of £X' which will allow for invoices to be processed up to the maximum authorised grant.
- 4.10 The authority will not include the name of a specific expert. Therefore, if the chosen expert becomes unable to complete the work after authority has been granted, the instruction may be transferred to another suitably qualified expert, provided the cost does not exceed the total amount originally authorised. In such circumstances, a brief justification for the change of expert must be provided **at the point of making a claim for payment**, noting that payment may be withheld where this process is misused.

Authority Extensions

- 4.11 Following a grant, where an expert indicates that they will require additional time to complete the work, a further authority should be sought. The Agency will require a full explanation from the expert as to why further hours are necessary, how many further hours are required and the proposed hourly rate. In addition, the Agency will require a full explanation from the solicitor as to why the original application did not anticipate the full extent of the work to be completed.

Experts falling outside parameters of 'Expert Types – Upper Limits'

- 4.12 It is expected that the most frequently requested expert rates/hours will fall within the parameters set out in '**Expert Types – Upper Limits**'. Where

V1.0 July 2026

this is not the case the authority request must clearly set out why, detailing any exceptional circumstances.

4.13 Exceptional circumstances could include:

- a) the complexity of the material is such that an expert with a high level of experience is required; or
- b) the material under consideration or the issues in the case are of such a specialised and unusual nature that only very few experts are available to provide the necessary evidence within the timeframes set by the Court; or
- c) the Agency is satisfied, based on the information provided, that all efforts have been made to obtain an expert who would comply with the rates/ hours in '**Expert Types – Upper Limits**' but this has proven to be impossible, and it is reasonable to grant a higher rate/ additional hours.

4.14 The Agency will not grant a higher rate merely because any of the parties to the proceedings has a preferred expert who charges a higher rate.

4.15 Practitioners should insert the number of hours and hourly rate sought by fee line, as shown below. This information supports an evidence base for future reviews of Authorities.

Authority Request

Authority request

Add authority item

Date
Use one or two digits for the day and month, and four digits for the year.

Day Month Year

Level of representation

Expense type

Description

Quantity/Number of hours
For fixed fee claim enter quantity. For hourly rate claim, enter number of hours

Item cost/Hourly rate (£)
For fixed fees enter item cost. For hourly rate enter hourly rate

Is VAT applicable?
 Yes No

Notes (optional)

You have 3,000 characters remaining

Total

5. Use of experts outside of Northern Ireland

- 5.1 Experts from outside of Northern Ireland should only be instructed if there are no experts in this jurisdiction able to provide the expert evidence due to the specialism of the evidence required, the timescales set by the Court or where, due to the nature of the case, it would be inappropriate to instruct a local expert. This is to protect the legal aid fund from unnecessary travel costs.
- 5.2 The Agency will expect to see evidence of attempts to instruct experts within Northern Ireland either set out in the 'Details' section of the request or uploaded as a Supporting Document to the request.

V1.0 July 2026

- 5.3 Where an expert outside Northern Ireland is to be retained, where possible and subject to the direction of the Judge, their evidence should be provided to the Court by way of remote link. Prior authority should be sought for the costs of the video link.

6. Costs that are not payable

- 6.1 The position on claiming VAT on disbursements, as set out in [Circular LSA 08-24](#), is unchanged by this guidance.
- 6.2 The Agency will not allow payment for research or for the expert to undertake training to allow them to become qualified to provide the expert opinion sought. Nor will payment be allowed for any costs associated with the expert registering with any professional body to allow them to provide the opinion sought.
- 6.3 Additional expert administration costs, including the expert's secretarial or administrative support, fees in respect of office space or provision of an examination room, courier fees, photocopying etc. will not be payable.
- 6.4 Cancellation fees are not payable, and this must be confirmed in the instruction to the Expert Witness. In addition, the Agency will not authorise stand by fees for court attendance.

7. Travel Time and Court Attendance

- 7.1 Where the expert requires travel time, the hourly rate sought, and number of hours required should be contained within the estimate. Prior Authority must be sought if the cost for travel time, travel costs and associated expenses will exceed £200 for an expert situated in Northern Ireland and £800 for an expert outside this jurisdiction.

- 7.2 While estimates require an indication of the expert's fee for Court attendance as per paragraph 4.8 above, such attendance is unlikely to be granted in tandem with the cost of the report. When it is clear that Court attendance is necessary, a further prior authority application should be made, with confirmation that the expert is required and the likely duration for the attendance. A court attendance fee note must be provided setting out the daily and half daily rate for attendance.
- 7.3 All expenses must be properly vouched.

8. Submission of payment request

- 8.1 The Agency will assess experts' fees when dealing with a request for payment. The fees will be considered for reasonableness in light of the authority granted (if applicable), court directions and/or the work undertaken. The following should be provided:
- a) The letter of instruction to the expert and any addendum to this
 - b) The expert's invoice(s) showing the hours and hourly rates with a breakdown of work undertaken including reading time and the number of pages, the time spent on any consultation and the time spent preparing the report and details of the length and purpose of the report
 - c) the dates the work was undertaken
 - d) the court order relating to the invoice (if any)
 - e) if relevant, details of all the parties if it is a joint report
 - f) justification for any deviation to the authority granted (refer para 4.10) and
 - g) receipts vouching disbursements.

V1.0 July 2026

8.2 Practitioners can request an interim payment for expert costs; guidance on this is at [LSANI interim payments and disbursements guidance](#).

9. Review of this guidance

9.1 The experts and parameters in 'Expert Types – Upper Limits' have been derived from a robust analysis of the data contained in LAMS relating to previous applications and grants. The Agency intend keeping this guidance under review to ensure that hours, rates and expert types are in keeping with current practice.

LSANI
6 July 2026

V1.0 July 2026