

Our Reference: DPL/51/03

NOTICE TO ALL LEGAL AID PRACTITIONERS

4 September 2003

Dear Practitioner

**re: General Authority for Consulting Engineers' Report
and Witness Fees in Civil Cases**

General Authority for Consulting Engineers' Report and Witness Fees is granted under Regulation 15(5) of the Legal Aid (General) Regulations (Northern Ireland) 1965 to solicitors acting under Civil Aid certificates for assisted persons in actions in the Supreme Court and County Court for damages for injuries to persons or property. This Authority was recommended by the Statutory Legal Aid Committee and adopted by the Council of the Society on 29 April 1992.

Under this Authority solicitors acting as stated above may employ Consulting Engineers for the purposes and at the rates of payment set out below. The allowances contained in this General Authority are exclusive of Value Added Tax.

The approved hourly rates to Consulting Engineers are:

£57.75 for engineering work and advice
£40.00 for travelling and waiting time

The maximum allowances authorised and covered by the Authority are set out below for respective tasks:

Attendance, Inspections or Surveys

In every case, taking instructions, studying brief, logging work, correspondence, making arrangements. 0.5 hours

Attendance on client, deliberations, calculations and preparing opinion:

Simple case	up to 2 hours
Normal case	up to 3 hours
More difficult case	up to 4 hours

Carrying out inspection of machinery, apparatus or place of work, deliberations, calculations and preparing accident report:

Simple case	up to 3 hours
Normal case	up to 4 hours
More difficult case	up to 5 hours

Locating locus, carrying out road survey, drawing scale map and marking up, deliberations, calculations and preparing report on road traffic accident:

Simple case	up to 5 hours
Normal case	up to 6 hours
More difficult case	up to 7 hours

Preparing sketch or scale plan of machinery or place of work where required:

Simple case	up to 0.5 hours
Normal case	up to 1 hour
More difficult case	up to 2 hours

Pre-Court Preparation and Consultations

- | | |
|--|------------------|
| (a) Reading up on file and attendance at consultation on day other than day of hearing where such attendance is more than 5 days before the hearing: | fixed fee £77.00 |
| (b) Reading up on file and attendance at consultation (where required) on day of hearing | fixed fee £77.00 |

Where two cases are dealt with on the same day at the same Court, an additional fixed fee of £67.50 will be paid for preparation and/or consultation in connection with that case.

Attendance at Court in morning or part thereof	fixed fee £185.00
--	-------------------

Attendance at Court in morning and afternoon or part thereof	fixed fee £271.00
--	-------------------

Other Fees

Retaining fee where instructions taken but case settled, dropped (or otherwise) and service no longer required, <u>before</u> inspection or survey has been carried out	fixed fee £57.00
---	------------------

Holding day free and preparing for Court attendance (where attendance not required) if less than 2 full days notice of cancellation given, Saturdays, Sundays and Bank Holidays being excluded from the computation	fixed fee £57.00
---	------------------

Travelling

Travelling time – office/locus/Court/office	as incurred
---	-------------

Travelling mileage	35.7p per mile
--------------------	----------------

Other Work and Outlay

Taking photographs, including cost of film, processing and proofing, use of equipment and flash	up to £23.00 per visit
Photographic enlargements in the number required for consultant's records, for report and for appropriate Court	£2.10 each
Supplying prints of maps or plans in the number required for consultant's records, for report and for appropriate Court	£2.10 each
Taking video footage	£55.00
Supplying copy video tapes (per copy)	£20.00

Notes

1. It is the duty of a Consultant to provide an estimate to his employing solicitor for prior authority by the Legal Aid Committee when, before work commences, it is reasonably anticipated that the maximum times permitted under this Authority, will be exceeded or other unlisted tasks arise.
2. If unanticipated circumstances or complexities of the inspection or survey work result in the maximum overall time under this authority being exceeded on site, or during the following preparation work, it is the duty of the Consultant to advise his employing solicitor promptly of the overrun of time and to provide him with the reason for, and an estimate of, the additional time required, and to ask him to seek authority from the Legal Aid Committee to allow the work to proceed to completion. Explanation and justification is required as the General Authority does not extend further and payment is not automatic.
3. Specialised work involving danger, out of the ordinary dirty work or tasks necessarily involving out of the ordinary unsociable hours, should be advised by the Consultant to his employing solicitor who may seek additional payment from the Legal Aid Committee.
4. Should a case involve very special expertise or be particularly complex, requiring more than the normal duty of care and attention, the Consultant should advise his instructing solicitor accordingly, in order that the latter may seek from the Legal Aid Committee higher hourly rates than those normally allowed under this Authority.
5. Should a difference of opinion arise over whether a task is simple, normal or more difficult, on request, the Consultant shall provide his instructing solicitor with all necessary time records, reports, maps, drawings, photos and other information required by the Legal Aid Committee to satisfy them of the propriety of the charge.

6. Where the whole of the work covered by the Authority has not been properly carried out, or the purpose for which the Authority was given has failed or become irrelevant or unnecessary before the costs were incurred, a fee lower than the maximum may be allowed on taxation or assessment.
7. For the purpose of this Authority, the expression "Consulting Engineer" means a Fellow of a Professional Engineering Institution or a Chartered Engineer with at least 5 years experience as such or an academically qualified engineer who can satisfy the Legal Aid Committee that he/she is a proven expert in a specific field. The expression will also include their equivalents in other related disciplines. In connection with preparation work only, such work that is supervised by a Consulting Engineer as defined above will qualify for payment at the Consulting Engineer rate.
8. Where an expert has been engaged in attending the same Court on the same day on behalf of more than one client, the expert is required to divide his Court attendance fee proportionately among the number of clients on whose behalf he has attended. The expert should certify his fee account accordingly.
9. The fees applicable under this General Authority for engineers not covered by the definition in Note 7 above, will be 50% of those specified.

Yours faithfully

Allan Johnston
Chief Executive Officer

This Authority may be applied to all work done from 15 August 2003.