

03 August 2023

REFERENCE: FOI\23\57

Dear Sir,

Thank you for your Freedom of Information request dated 17 July 2023 regarding a Criminal Damage Claim in respect of J&V Construction.

The Freedom of Information Act 2000 gives you two rights of access when you write to us asking for information. You have the right to know whether we hold the information that you are looking for, and you have the right to have the information given to you. These rights may only be overridden if the information you are looking for is covered by an exemption in the Act.

Responses are provided below to the eight questions in your request:

Q. What was the agreement that formed basis for the payment to J&V Construction, and did this agreement involve **all** professional fees:

A. *This case was settled at Court with an agreement between both parties at £300,000.00. This figure is separate to the issue of professional fees.*

Q. Was this case treated as a Loss Adjusting Case or a Legal Case from the Agencies point of view:

A. *Compensation Services appoint Loss Adjusters to act on their behalf, they work together with our in-house Professional Advisers, which include Legal Representation.*

Q. The amount of fees paid to the Legal team (Solicitors & Barrister):



A. *Legal Fees are paid in accordance with the County Court (Amendment) Rules (Northern Ireland) 2017, based on the settlement sum. In complex cases, such as this, an uplift to these fees can be agreed. The fees in this case were agreed as follows:*

Solicitors Costs - £5,013.00 plus 100% uplift

Junior Counsel - £2,328.00 plus 100% uplift

Senior Counsel - £3,492.00 plus 100% uplift

Q. What was basis for agreeing the legal fees with your Agency:

A. *As above*

Q. Were the Design Team fees submitted before the payment & Legal fee agreement:

A. *Compensation Services did not receive fee notes until after agreement of Compensation and Legal Costs.*

Q. If the Design team fees were submitted before the payment agreement, on what basis were they subsequently not paid:

A. *As stated above Design Team Fees were not submitted before the agreement.*

Q. During all meetings, negotiations (including with the Design Team) was a template for fees payable (ie scale of fees etc) ever forwarded to J&V's Legal Team:

A. *There is no scale fees in respect of the Professional Fees submitted, reasonable fees are considered by our in-house professional advisers on production of requested information to support such fees.*

Q. Whose decision from both parties was it to agree the payment to J&V, without all fees being agreed:

A. *It is standard practice to pay Compensation and Legal Costs as soon as agreement has been reached. It should be noted that professional fees is an issue between the claimant and their appointed advisers, Compensation Services have no obligation to the claimants professional advisers and payment terms agreed between them is the claimants responsibility. However, Compensation Services can consider reasonable costs in respect of same. In this case the appropriate evidence to support reasonable costs was not provided and therefore no consideration could be given to making any payment towards professional costs.*



If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review please do so in writing stating the reasons to the address above.

If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask him to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.

Further details on the role of the Information Commissioner and the handling of appeals can be found at: www.informationcommissioner.gov.uk

Yours sincerely

Records & Information Manager

