

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
- 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

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

Article 15A

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
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Surveyor	£50	£50
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