

## Legal Services Commission Manual -Volume 3, Part C

### 2.5 Disbursements

1. The definition of each Level of Service specifies the work which can be carried out by the supplier at that level. In addition, guidance and contracts may specify what expenses may in principle legitimately be incurred under each level (Code Criterion 1.3).
2. The Funding Code specifically excludes the following disbursements from all levels of service:-
  - (i) All costs or expenses of or relating to the residential assessment of a child;
  - (ii) All costs or expenses of or relating to treatment, therapy, training or other interventions of an educative or rehabilitative nature.

Guidance on these exclusions is set out in section 5.7 and 5.8 of the Authorities guidance in Volume 1 of this Manual.

3. Non-allowable disbursements under Controlled Work are set out at paragraph 5.26 of the Unified Contract Civil Specification.
4. For Licensed Work the following list applies:
  - (a) **Allowable Disbursements**
    - (i) Accident report fees
    - (ii) Arbitration fees
    - (iii) Birth and other certificates
    - (iv) Client's travelling and accommodation expenses
    - (v) Counsel's fees and expenses
    - (vi) Court fees
    - (vii) Enquiry agents' and interpreters' fees
    - (viii) Experts' fees including medical reports
    - (ix) Fees recoverable on oaths
    - (x) Newspaper advertisements

- (xi) Non-Family Mediation fees
- (xii) Photographers' accounts
- (xiii) Search fees
- (xiv) Stamp duties for a nominal amount, e.g. the fee paid on a power of attorney
- (xv) Travelling expenses of a solicitor

**(b) Non-Allowable Disbursements (in addition to those specified at paragraph 2 above)**

- (i) Ad valorem stamp duties
- (ii) Capital duty
- (iii) Contact centre fees

[With effect from 6 April 2009 to be replaced by:

- (iii) All fees, charges and costs of child contact centres, including assessments and reports on supervised contact, and of other professional assessments of contact between children and adults]
- (iv) Discharge of debts owed by the client, e.g. rent or mortgage arrears
- (v) Fee payable on voluntary petitions in bankruptcy
- (vi) Mortgagees' or lessors' solicitors costs and disbursements
- (vii) Passport fees
- (viii) Probate fees
- (ix) In the Family Category of Law only, costs of or expenses in relation to the provision of Family Mediation, conciliation or any other dispute resolution including Family Group conferences
- (x) In the Family Category of Law only, costs or expenses of risk assessments within section 16A Children Act 1989 and undertaken by Cafcass officers or Welsh family proceedings officers, including assessments of the risk of harm to a child in connection with domestic abuse to the child or another person

(xi) In the Family Category of Law only, costs of or expenses relating to any activity to promote contact with a child directed by the court under Section 11A to 11G Children Act 1989. This includes all programmes, consideration of suitability under section 11E and other work to or with a view to establishing, maintaining or improving contact with a child or, by addressing violent behaviour, to or with a view to enabling or facilitating contact with a child insofar as such costs or expenses are not irrecoverable under Funding Code paragraph 1.3. Funding for assessments under Funding Code Criterion 11.4.1 as to whether mediation is suitable to the dispute and the parties and all the circumstances are not affected by this exclusion.

5. The fact that an item is listed as an allowable disbursement means that it is capable of being allowed, not that it will be usual to do so. For example, clients' travelling and accommodation expenses will only be allowed in exceptional circumstances where the client is so impecunious that it is not otherwise possible to progress the case (see *R v. Legal Aid Board No. 15 Area (Merseyside) ex parte Eccleston*, The Times, May 6, 1998).
6. For items not covered in the above list, the general principle is that a disbursement may only be claimed if it would be allowable on an assessment of costs between solicitor and client in court proceedings. The fact that a disbursement is irrecoverable as against the Community Legal Service Fund does not prevent it from being recoverable from the opponent if the item is allowed by the court on an assessment of costs between the parties.