

## **FIXED FEES FOR MOTORING OFFENCES**

In accordance with the Solicitors' Regulatory Transparency Rules we are required to ensure that members of the public have accurate and relevant information about a solicitor or firm when they are considering purchasing certain legal services.

The services specified in the regulations which are applicable to the areas of law practised by this firm relate to the provision of advice and representation at the Magistrates Court in relation to summary only road traffic offences dealt with at a single hearing. A summary only offence is an offence which can only be dealt with at a Magistrates Court.

The offences to which this guidance applies can be found under Part I of the Road Traffic Act 1988 and s.89 of the Road Traffic Regulation Act 1984. It should be noted that not all of the offences set out in Part I of the Road Traffic Act 1988 are summary only offences.

We will set out below the offences which we most commonly encounter which can only be dealt with summarily. For further information on whether a specific offence is a summary only offence please refer to Schedule 2 of the Road Traffic Offenders Act 1988, which can be accessed via this link:-

<https://www.legislation.gov.uk/ukpga/1988/53/schedule/2>

We should also say that the level of cost involved will be dependent on whether you choose to instruct a solicitor to represent you in this matter on the basis that time is charged at an hourly rate or whether you agree to instruct the firm on the basis that a fixed fee will be applicable.

If you instruct the solicitor on the basis of an hourly rate (plus VAT) then the rate at which you will be charged is set out below: -

Senior Solicitors and Barristers - £250 per hour – Fee Earner Level A

Solicitors of more than 3 years PQE - £189 per hour – Fee Earner Level B

Solicitors of less than 3 years PQE - £158 per hour – Fee Earner Level C

For more information as to the status of a solicitor for the purpose of this guidance please refer to the individual profiles that can be found on this website.

You should also note that the fee estimates applicable only relate to those cases where the Court at which you are due to appear is located within a 20 mile radius of the office at which the solicitor that you choose to instruct is based. You will also be liable to meet the cost of any disbursements incurred by that solicitor travelling to Court to represent you, and any other disbursements reasonably incurred, and agreed with you in advance, in preparing your case for that hearing.

The fee estimates do not apply to cases where the hearing listed is either a "special reasons" hearing, a trial or a hearing where you wish to advance an "exceptional hardship" hardship to avoid disqualification under the "totting up" provisions (see below for more information).

Where a person is prosecuted for an offence to which this guide applies it will usually be by way of a summons or postal requisition. There will however be instances where a person is formally charged with an offence at a police station.

In either instance, it is likely that it will be possible to obtain some details of the prosecution evidence in the case in advance of the initial court hearing.

There will be instances where this “advance information” will be substantial. As such, it is not possible to give a definitive indication as to the amount of work that might need to be conducted in advance of, or at, the first hearing of the case.

You may choose to meet with your solicitor at an appointment in advance of your Court hearing.

The solicitor will consider the advance information at this appointment (or, if it has been possible to provide it in advance then he will do so beforehand), will take your instructions on the allegation, advise you on the strength of the evidence and the likely sentence that you will receive if convicted.

If you intend to plead guilty to the offence then the solicitor will take instructions from you for the purpose of presenting mitigation to the Court. You will be advised of any work that you should undertake to assist your solicitor with mitigation (such as obtaining character references).

If you intend to plead not guilty to the offence, or plead guilty but wish to argue “special reasons”, then the solicitor will advise you as to court process leading to your trial and the next steps that will need to be undertaken.

The process of meeting with your solicitor in advance of the hearing and receiving the above service prior to you attending Court is likely to take approximately 2 hours.

It is never possible to predict how long a solicitor is likely to be required to be at Court to deal with your case. This is due to the fact that we have limited ability to influence when your case is likely to be called into Court.

If you choose to meet with your solicitor at an appointment in advance of the first hearing then the cost of providing this service, and representation at Court at the first hearing of the case, is likely to amount to between £450 and £750 (plus VAT).

If you choose simply to request that the solicitor meet you at Court without meeting you at an appointment in advance then he or she will essentially provide the same service as set out above. However you might find that it will not be possible to obtain as much mitigation as you would have been able to in the event that you had met with him in advance, meaning that you might receive a more severe penalty.

The cost of instructing a solicitor to represent you at Court at the first hearing of the case without an appointment in advance is likely to amount to between £350 and £600 (plus VAT).

You should be aware that these costs do not include any work that might be involved in taking statements from witnesses or instructing an expert to prepare a report.

As stated above, these fee estimates are not applicable to those cases where “exceptional hardship” is advanced.

Where a person accumulates 12 or more penalty points on his licence, the Court is obliged to disqualify that person from driving for a minimum period of 6 months. The only instance where the Court has a discretion not to do so, is where it finds that “exceptional hardship” would result if that person were to be disqualified from driving. In those circumstances, the Court can exercise its discretion to disqualify for a shorter period or not to disqualify at all.

The test as to what amounts to “exceptional hardship” is extremely high. The hardship that is suffered is not limited to the impact upon the person convicted; rather it can be hardship that can be described as “exceptional” and which will be suffered by others.

It is not possible to give an exhaustive list as to the type of “hardship” that might be considered sufficient to meet this test.

Where we are able to identify that there is a risk of disqualification under the “totting up” provisions then it will usually be necessary to conduct a substantial amount of work in advance of the Court hearing. This is due to the fact that the onus is upon the person who is liable to be disqualified under the “totting up” provisions to demonstrate that “exceptional hardship” will result.

Typically that person will be required to give live evidence at the hearing at which the argument is advanced. Supporting evidence will almost always be necessary to properly advance the argument. This might include taking statements from other witnesses and calling them to give evidence, obtaining detailed financial information and medical evidence.

It might be the case that much of the preparatory work can be conducted over the phone or by email rather than by meeting a solicitor in person. In any event, a typical case of this nature would involve between 3 and 4 hours work in advance of the hearing itself.

The hearing at which the argument is advanced before the Court can typically last between 30 minutes and an hour.

The cost of you instructing a solicitor to prepare your case properly for an argument at which “exceptional hardship” might need to be advanced, and representing you at a single hearing of the case at Court, is likely to amount to between £1000 and £2000 (plus VAT).