

# TRANSPARENCY IN PRICING MOTORING OFFENCES

Leathes Prior is committed to providing transparency  
in pricing in line with the SRA Transparency Rules.

LEATHES PRIOR  

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## **MOTORING OFFENCES**

Traffic Lawyers, a division of Leathes Prior, is a team of solicitors and other lawyers with specialist knowledge of the laws and procedures governing how all types of motorists' are required to use the roads throughout England and Wales. The team have many years of experience assisting individuals and businesses, regionally and nationwide, on a full range of road traffic and motoring offences.

### **Our Fees**

Irrespective of whether you are being investigated on suspicion of an offence, charged or formal proceedings before the courts are issued against you, we appreciate that when you instruct us to act on your behalf you will naturally have some concern regarding the legal fees you will incur. Therefore, we are committed to providing transparency in our pricing.

We have set out below details regarding our pricing should you require us to advise, assist and or provide you with representation before a Magistrates Court in relation to a motoring offence. If you are alleged of a 'non-summary only' offence or otherwise required to appear before a Crown Court, or any other judicial tribunal, we are equally experienced in dealing with such cases and able to assist you. Should you be faced with such circumstances arise, then we will discuss this with you and provide you with a separate fee estimate.

### **Hourly Rate / Fixed Fee**

The work we undertake for and on your behalf will be charged at an hourly rate (determined by the level of the particular fee earner undertaking work) unless we alternatively agree a fixed fee with you or as otherwise specified herein. The hourly rates applied to work undertaken for work undertaken in relation to motoring offences currently ranges from between £230 plus VAT and £280 plus VAT and disbursements.

Set out below are details of our range of costs that apply when alleged of a motoring offence and what work we are required to undertake for you. Please note these are based on our rates and the amount of time, in our experience, that is usually required to conduct the matter and achieve the best possible outcome for our clients. At the outset of our engagement we will be able to assess the matter and provide you with advice about the options available to you when responding to the allegation you are confronted with. Once you have confirmed how you wish to proceed, we will be better placed to clarify and confirm our cost estimate.

We appreciate clients often like to know the precise costs they will incur and we try to be as flexible as possible with any fee arrangements where we can, having regard to each stage and the complexities involved. Therefore, we will discuss with you whether or not your specific case is suitable for a fixed fee to be applied, and define the terms of any such agreement made in writing to you.

Please note, if you are offered a fixed fee then you are not obliged to accept such fee arrangement, and can still request you are charged at our hourly rates.

### **'Summary Only' Offences in the Magistrates Court**

The law states that for a motorist to be convicted for a motoring offence they must be warned that the question of prosecution would be taken into consideration, either orally at the relevant time of the offence or in writing by serving a notice within 14 days from the date of the offences.

Many road traffic offences are purely 'summary', which means if proceedings are to follow then they can only be tried before a Magistrates Court. For such 'summary' offences there is a strict 6 month time limit for the information to be laid, however, there are statutory exceptions to the rule for certain motoring offences and in prescribed circumstances.

Therefore, if the statutory requirements are not adhered to then clients may have a technical defence to the offence they are being alleged to have committed. In addition, it is important to seek legal advice at the outset in order to understand the legal elements required to be proven and the merits of the case against you to make informed decision about whether to contest an allegation.

Alternatively, if you tender a 'guilty' plea to an offence it is equally important to understand and seek advice on the consequences that are likely, or even might, arise as a result of conviction. This will enable you to make an informed decision about the instructions you give us regarding the approach to the case and any submissions to be presented on your behalf.

### **Fixed Fee Initial Consultation Service**

We are not able to provide any advice without charge particularly in view of the complexity of many of the queries we receive, which often require a detailed understanding of the factual background as well as the law.

We offer an initial consultation service to new clients at a fixed fee in the sum of £250 plus VAT (£300 in total), which enables them to spend up to a period of 60 to 90 minutes with one of the team's qualified solicitors at our Norwich office(s), by telephone or email. Prior to commencement of the consultation we will need to register you as a client by formally identifying you in accordance with our professional obligations. At that time we will make arrangements for you to make full payment of the fixed fee by credit or debit card, unless you will be attending our offices then payment can be made on the day on your arrival. We confirm that if you are attending our offices then we are also to able accept payment by cash.

During the fixed fee initial consultation, we confirm the following will be undertaken (as applicable):

1. We will review and consider the details you provide, including any related documentation that is provided or obtained by you, and if necessary clarify any matters to ensure we fully understand your position. In particular, we will seek to elicit particular information from you to identify which aspects of the case as presented against you are agreed or disputed.
2. We will provide you with our initial advice on the criminal procedures and or proceedings arising from the motoring allegation(s) insofar as we can on the information provided. This is likely to include:
  - 2.1 Explaining each element of the offence that must be proved to the requisite standard;
  - 2.2 Details of any legal defence that may apply to your case; and
  - 2.3 The different options available to you if and when responding to any allegation. This includes, but may not be limited to, the following:
    - 2.3.1 Obligations to furnish information and documentation;
    - 2.3.2 your options in respect of an interview under caution,

- 2.3.3 entering a 'guilty' plea by post enclosing written representations;
  - 2.3.4 entering a 'guilty' plea by post and requesting to attend a hearing;
  - 2.3.5 pleading 'not guilty' and explaining the trial process;
3. Explain the possible outcomes for the alleged offence if formal action is taken and you either accept liability or a conviction is secured against you, having regard to any relevant guidelines in force, including 'Special Reasons'.
  4. Explain how any sentence imposed for the offence might have a consequential impact in the context of your overall driving records, including whether or not grounds of 'Exceptional Hardship' can be presented.
  5. In view of the above, our advice about which strategy to adopt with the view of achieving the best possible outcome. However, we can only provide you with advice and the final decision is for you to make.

The fixed fee initial consultation does not include:

1. Written or verbal communications, by any means, with the relevant authorities or anyone else concerned. To confirm, this includes drafting any written submissions.
2. Further review and consideration of additional information and providing amended/ updated advice (if necessary).
3. Advice on any civil, personal injury, insurance, employment or other ancillary claims, proceedings or obligations arising from the specific motoring allegation.

(However, should you need assistance with such matters then please let us know and we will put you in touch with the relevant person at Leathes Prior who specialise in issues of that nature).

## **Magistrates Court ‘Guilty’ Pleas – Our Range of Fees**

Our range of fees set out below are inclusive of the Fixed Fee Initial Consultation Service mentioned above that we offer to all of our new clients, whom subsequently formally engage us to undertake further work on their behalf. As mentioned above, if your case is suitable for any fixed fee arrangements to be made then we will discuss this with you.

If there are any unforeseen or uncommon factors resulting in the fee estimate we provide to you being outside of the ranges below then we will provide you with an explanation as to the reasons.

### **Written Mitigation**

Between £350 plus VAT and £600 plus VAT and disbursements

If alleged of a motoring offence resulting in proceedings before a Magistrates Court, individuals are commonly provided with a Single Justice Procedure Notice or Postal Requisition, which entitles them to choose to enter a ‘guilty’ plea without physically attending a Court hearing.

If you wish to plea ‘guilty’ by post then you are required to provide the Court with written details of any mitigation they are to be invited to take into consideration when determining how to resolve the matter.

Our fee will include:

1. Fixed Fee Initial Consultation Service
2. Completing the relevant documentation with you
3. Drafting the mitigation to be submitted to the Court
4. Corresponding with you, prosecuting authority and the Court

Our fee will not include:

1. Representation at Court if subsequently required (see below)
2. Any advice and or representations on appeal against sentence including re-opening the case before the Magistrates Court
3. Correspondence with any further third parties (not specified above) such as insurance providers, employers, Traffic Commissioner, the licensing authority, referees and such like

### **Penalty Points and Discretionary Driving Disqualifications only**

Between £600 plus VAT and £1,000 plus VAT and disbursements

If you choose or are otherwise required to physically appear before the Court in relation to the offence because there is a likely prospect the offence itself will attract a discretionary driving disqualification.

Our fee will include:

1. Fixed Fee Initial Consultation Service
2. Completing the relevant documentation with you
3. Preparing the representations to be made to the Court inclusive of a bundle of a supporting documentation
4. Attendance to one hearing before a Magistrates Court

Our fee will not include:

1. Exceptional hardship (see below)
2. Special Reasons or Newton Hearing(s) (see below)
3. Attending further hearings if the case is not resolved
4. Correspondence with any further third parties (not specified above) such as insurance providers, employers, Traffic Commissioner, the licensing authority, referees and such like
5. Any advice and or representations on appeal against sentence including re-opening the case before the Magistrates Court

### **Totting up 12 or more penalty points and Exceptional Hardship**

Between £1,000 plus VAT and £1,600 plus VAT and disbursements

If on conviction of the alleged offence the number of penalty points likely to be imposed will result in a person accumulating 12 or more penalty points within a 3 year period they will be subject to the 'totting-up' provisions. Under those provisions, the Court is required in law to impose a mandatory driving disqualification for a minimum period of 6 months unless there are grounds for mitigating the normal consequences – such as Exceptional Hardship.

However, it is possible in some circumstances to present mitigation to the Court inviting them to impose a discretionary driving disqualification for the offence itself as an alternative to penalty points, which if received would result in a person becoming a 'totter'. However, since it is not possible to pre-determine any approach or sentence a Court will give, should you be confronted with such a situation and seek to rely on grounds of Exceptional Hardship then the case will need to be prepared on such basis irrespective of whether the Court is invited to consider any or all alternatives.

Our fee will include:

1. Fixed Fee Initial Consultation Service
2. Completing the relevant documentation with you
3. Taking detailed instructions from you about the grounds to be relied on and advising on the information and material required in support
4. Advising on the Court process and procedures in relation to Exceptional Hardship hearings

5. Preparing the representations to be made to the Court inclusive of a bundle of a supporting documentation
6. Attendance to one hearing before a Magistrates Court
7. Serving a Notice of Appeal and making an application to the Court at the same hearing for a driving disqualification to be suspended pending the outcome of an appeal to the Crown Court.

Our fee will not include:

1. Attending further hearings if the case is not resolved
2. Correspondence with any further third parties (not specified above) such as insurance providers, employers, Traffic Commissioner, the licensing authority, and such like
3. Advising, preparing or attending any appeal
4. Instructing a barrister for an appeal before the Crown Court

### **Newton Hearing**

Between £1,600 plus VAT and £2,800 plus VAT and disbursements

If alleged of a motoring offence and you accept liability but not on the basis of the facts as presented by the prosecuting authority, then you will be required to inform the other side and the Court of the same, in writing. For example, if you accept an allegation of speeding but dispute the specific speed alleged. If the prosecution do not accept the basis of plea and the Court considers the difference between parties to have a material impact on any sentence it would seek to impose, it has the discretion to require a Newton Hearing.

A Newton Hearing is a legal procedure used when two parties offer conflicting evidence, which results in the Court listening to the evidence called to decide the facts that are to be used to determine any sentence it seeks to impose.

Our fee will include:

1. Fixed Fee Initial Consultation Service
2. Advising on the process and procedure
3. Completing the relevant documentation with you including the preparation of any basis of plea to be submitted
4. Reviewing and considering any case papers and evidence served by the prosecuting authority
5. Obtaining statements from up to two witnesses to be relied upon by the defence in the presentation of its case
6. Attending up to 2 hearings before a Magistrates Court
7. Advice and representation on sentence including penalty points, discretionary driving disqualification and Exceptional Hardship under the 'totting-up' provisions.

Our fee will not include:

1. Attending more than 2 hearings if the case is not resolved
2. Correspondence with any further third parties (not specified above) such as insurance providers, employers, Traffic Commissioner, the licensing authority, and such like
3. Advising, preparing or attending any appeal
4. Instructing a barrister for an appeal before the Crown Court

### **Magistrates Court 'Not Guilty' Pleas – Our Range of Fees**

From £2,000 and above plus VAT and disbursements

If you contest the alleged offence, and tender a 'Not Guilty' plea, then your case will be listed for a trial before the Magistrates Court. Each and every case will be different and the fees applied will depend on a number of factors such as:

1. the volume of the prosecution case papers
2. legal issues involved such as bad character and hearsay applications, or the admissibility of evidence
3. whether application(s) need to be made for the exclusion of evidence under sections 76 and 78 of the Police and Criminal Evidence Act 1984
4. The total number of defence witnesses
5. Whether any expert witnesses are engaged and the levels of their involvement

When we are instructed for and on behalf of motorist disputing an alleged offence, we will undertake a Fixed Fee Initial Consultation Service. We will then seek to obtain a copy of the case papers, and based on the information you give us, advise you on the likely issues and stages of the proceedings before the Court. We will then be better placed to provide you with a fee estimate and or agreed a fixed fee with you, including details about the remit of your retainer with us. This will include all work to be undertaken for and on behalf of you up to and including any sentencing before a Magistrates Court.

### **Disbursements**

Disbursements are costs related to your matter that are payable to third parties, such as court fees. We handle the payment of the disbursements on your behalf to ensure a smoother process. In relation to Motoring Offence proceedings, the likely disbursements might be:

1. Counsel Fees
2. Expert witnesses
3. Petrol expenses incurred travelling to and from Magistrates Courts (charged at 45 pence plus VAT per mile) or, where appropriate, alternative travel costs such as train/taxi/plane fares.

4. For multi-day Magistrates Court hearings out of the region, accommodation expenses incurred.

### **Key Stages**

1. For the majority of 'summary only' offences proceedings must be instigated within a period of 6 months from the commission date of the offence.
2. You will receive a Summons, Postal Requisition or a Single Justice Procedure Notice.
3. We will meet with you in accordance with our Fixed Fee Initial Consultation Service as set out above
4. Responding to the allegation by completing and submitting the Court documentation, which will require you to provide an indication of the plea you tender (as applicable).
5. If you are not provided with an opportunity to enter a plea by post, then you will be required to confirm the same on attendance at the first hearing before the Magistrates Court. If entering a 'Not Guilty' plea the first scheduled appearance before the Court will also be a case management hearing setting out the timetable and directions in readiness for the substantive hearing, which will be fixed by the Court having regard to the anticipated duration, issues involved and availability of witnesses.
6. Preparing a Defence Case Statement (only not guilty cases) and lodging/ serving any submissions pertaining to evidence and legal arguments in accordance with the standard/ specific directions made by the Court.
7. Applications for disclosure of the prosecution material if not serve if the allegation or the particulars of an offence are to be disputed (Newton Hearing).
8. Instructing expert witnesses as required.
9. Taking, preparing and finalising witness statements (as applicable);
10. Preparing bundle of documents for the hearing;
11. Preparation and attendance at Final Hearing, including either instructions to Counsel or dealing with the advocacy ourselves.

### **How long will your case take?**

The time that it takes from taking your initial instructions to the final resolution of your matter depends largely on the stage at which your case is resolved.

As mentioned above, for the majority of 'summary only' offences the law requires that information is laid before the Court within 6 months from the commission date of the offence. This is not the period of time for you to receive the relevant Court documents and or the case to be heard, but is simply the period of time for the relevant authority issuing proceedings to present the case before the relevant Court.

If entering a 'Guilty' plea and your case is resolved by post or at the first hearing before a Magistrates Court, then it is likely this will be between 1 and 3 months from the date you first receive the documentation from the Court.

If entering a 'Not Guilty' plea then it is likely your first appearance before the Court will be within 1 and 3 months from the date you first receive the documentation from the Court. The first appearance is a plea and case management hearing upon which the Court will make directions regarding preparation of the case in readiness for the substantive hearing. The date of the substantive hearing will be dependent on the duration of the case, and availability of witnesses and the Court. However, in our experience cases are usually resolved within a period of 3 and 6 months from the date upon which you first receive documentation from the Court about the matter.

This is just an estimate and we will of course be able to give you a more accurate timescale once we have more information and as the matter progresses.

### **Which lawyers will handle my case?**

The profiles of the lawyers in our Motoring Offences Team (together with details of when they qualified and their areas of expertise) can be found [here](#).