



Transparency in pricing

Motoring offences

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Birkett Long LLP is committed to providing clarity in its pricing and service in accordance with the SRA Transparency Rules.

Motoring offences

We understand it can be distressing when you are suspected of a motoring offence, let alone charged and formal proceedings are issued against you. Therefore, when you elect to instruct us to act on your behalf you will also, logically, have some concern in respect of the legal fees you incur. Therefore, we are committed to providing you with clarity regarding our fees and service.

The details below provide you with our fee structures should you decide to instruct us to act for you in proceedings that are contemplated, or due to come, before a Magistrates Court pertaining to an alleged motoring offence. In the event, you are alleged of a 'non-summary only' offence or required to appear before a Crown Court (or elsewhere), we have expertise and experience in dealing with such matters. Should you be faced with any such situation, we will discuss the position with you and provide you with a separate fee estimate.

Who will handle my case?

All motoring matters are dealt with by Tej Thakkar, an experienced motoring solicitor and Head of our Regulatory team. Tej qualified as a solicitor in 2014. Tej is supervised by Tracey Dickens, Partner and Head of our Commercial and Corporate Finance team, who qualified as a solicitor in 1999. You can view their respective profiles on our website, www.birkettlong.co.uk, including details of their areas of expertise.

Hourly Rate:

The work carried out on your behalf will be charged at an hourly rate unless alternatively specified below or we otherwise agree a fixed fee with you. The hourly rate applied pertaining to work undertaken in connection with motoring offences is currently £270 plus VAT.

Summary Table:

Case Type	Range of Fees (excluding disbursements)	Total (inclusive of VAT)
Initial Fixed Fee Consultation	£300	£360
'Guilty Plea' – Written Mitigation	£500 - £800	£600 - £960
Court Hearing - Discretionary Driving Disqualification	£800 - £1,300	£960 - £1,560
Exceptional Hardship where totting up 12 or more penalty points in 3 years	£1,300 - £1,800	£1,560 - £2,160
Contested Proceedings	£1,800 - £5,000	£2,160 - £6,000

Initial Fixed Fee Consultation:

We are not able to provide any advice without charge. However, we offer an initial consultation package to new clients at a **fixed fee in the sum of £300 plus VAT (totalling £360)**. This will enable a specialist motoring solicitor to spend up to 90 minutes with you during a meeting at our Colchester office, by telephone or video meeting or email. If you wish to proceed, then we request full payment in the total sum of £360 to be made prior to commencement of the initial consultation. We can accept payment by electronic transfer, credit/ debit card or cash.

During the initial consultation, we confirm the following will be carried out:

- We will consider the details you have provided, which includes any documents that are provided by you.
- We will give you our initial advice regarding the criminal procedures and proceedings arising from the alleged motoring offence.
- We will ascertain your account to understand whether the particulars of the allegation made against you are likely to be accepted or disputed, or if there is a potential defence that can be relied upon.
- Explain the potential outcomes arising from the allegation should any positive action be taken against you.
- Consider and explain how any such specific outcome will impact you in the context of your overall driving record. In the event the accumulation of penalty points may render you liable for a driving disqualification under the 'totting-up' provisions, we will explore with you whether there are any grounds of 'Exceptional Hardship' that can be presented at a hearing to prevent the imposition of mandatory driving disqualification for the statutory minimum period of 6 months.

The initial fixed fee consultation does not include any further work that is, or may, be required to be undertaken thereafter. However, should you proceed to retain us to continue acting on your behalf, we have set out below our range of our fees for advising and representing you before a Magistrates Court. The initial fixed fee consultation is included with each of the overall specified sums below.

'Guilty Plea' – Written Mitigation:

Our professional charges will be **between £500 and £800 plus VAT and disbursements**.

If proceedings for a motoring offence are laid before a Magistrates Court, individuals will be served with a Single Justice Procedure Notice or Postal Requisition. If an individual receives either of these, the respective process allows the person to formally tender a 'guilty' plea and request the case be dealt with absent of the requirement to physically attend a hearing in person. If a person elects to proceed in such manner, they are invited to return the form confirming the same and detail any written mitigation they wish to be considered when determination is made about how to resolve the matter.

Our fee for the process will include:

- The initial fixed fee consultation package.
- Assistance in completing the documentation.
- Preparing the written mitigation for the Court to be considered.
- Correspondence with you, the prosecuting authority, and the Court.

Our fee will not include us:

- Appearing before the Court in person to legally represent you should they be unwilling or unable to conclude your case without a hearing.
- Any work, advice, or representation regarding an appeal to any sentence determined or request to re-open the case.
- Correspondence with third parties following determination by the Court.

Court Hearing – Discretionary Driving Disqualification:

Our professional charges will be **between £800 and £1,300 plus VAT and disbursements.**

If the alleged motoring offence could potentially result in the Court imposing a discretionary driving disqualification rather than penalty points, you are likely to be required to physically attend a hearing before the Magistrates Court. In such circumstances our fee will include:

- The Initial Fixed Fee Consultation.
- Completing the relevant documentation with you, including any written mitigation.
- Preparing the oral representations to be presented before the Court, together with the bundle of supporting documentation to be referred to.
- Attendance to one hearing before a Magistrates Court.

Our fee will not include:

- Exceptional Hardship (see further below).
- Contested proceedings in respect of a Not Guilty Plea or Newton Hearing.
- Attending a further hearing if the case is not resolved.
- Any work, advice, or representation regarding an appeal to any sentence determined or request to re-open the case.
- Correspondence with third parties following determination by the Court.

Exceptional Hardship where totting up 12 or more penalty points in 3 years:

Our professional charges will be **between £1,300 and £1,800 plus VAT and disbursements.**

If on conviction of a particular 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. In such circumstances, 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 those normal consequences, such as Exceptional Hardship.

If the Court accepts there are grounds of Exceptional Hardship, they can elect to reduce the period of the mandatory minimum period prescribed in law or otherwise decide to impose no driving disqualification whatsoever. In the event you are likely to be confronted with such a situation, it will be necessary to

consider whether any grounds can lawfully be relied upon, and if applicable, to properly prepare your case for such an eventuality should it arise.

Our fee will include:

- The Initial Fixed Fee Consultation.
- Completing the relevant documentation with you, including any written mitigation.
- Obtaining your detailed instructions about any grounds you seek to rely upon and advising you on the material required from you (and others) in support of the grounds to be presented on your behalf.
- Advising on the process and procedures adopted by the Court where Exceptional Hardship is to be relied upon.
- Preparing the oral representations to be presented before the Court, together with the bundle of supporting documentation to be referred to.
- Attendance to one hearing before a Magistrates Court.
- If applicable, drafting a Notice of Appeal and applying to the Court at the same hearing for any driving disqualification to be suspended pending the outcome of the substantive appeal to the Crown Court.

Our fee will not include:

- Attending a further hearing if the case is not resolved.
- Correspondence with further third parties following determination by the Court. To include instances where decision is later made by you to withdraw a pending appeal.
- Any additional work, advice, or representation regarding an appeal. Should you wish to proceed then a further, separate, fee estimate will be provided.
- Instructions to counsel regarding an appeal before the Crown Court.

Contested Proceedings – ‘Not Guilty’ Plea or ‘Newton’ Hearing:

Our professional charges will be **between £1,800 and £5,000 plus VAT and disbursements.**

Contested proceedings can arise from:

1. Formally tendering a ‘Not Guilty’ plea to the alleged offence; or
2. In circumstances where you accept liability but dispute the claimed facts being alleged against you. For example, if you accept the allegation of speeding generally but dispute you were travelling at the speed claimed. If the disputed facts cannot be resolved and is likely to have a material impact on the sentencing outcome, the Court will direct the issue be determined during a Newton Hearing.

At the first hearing, the Court will direct each party to take various steps regarding preparation of the case in readiness for the substantive hearing it will schedule.

Each and every case will differ and the level of fee to be applied will be dependent on a range of factors such as:

- The volume of prosecution case papers.
- Legal issues involved.
- Application(s) made to the Court by either party in respect of disclosure, and type and admissibility of evidence to be relied upon.

- The total number of defence witnesses to be called.
- Whether one or more expert witnesses are required and respective levels of involvement.

In view of the varying factors that can arise, when we are instructed to act on your behalf and it is evident the allegation or facts are disputed, we will first undertake the Initial Fixed Fee Consultation. We will then provide you with an initial cost estimate for us to obtain copies of the initial disclosure from the prosecuting authority, review the content and advise on the likely issues within the respective proceedings.

Thereafter, we will be better placed to provide you with a more accurate fee estimate of our overall fees in the case. We may, in some circumstances, be able to agree a fixed fee with you, including details about the parameters in respect of the same. The fees will include all work undertaken on your behalf, up to and including, any sentencing hearing before the Magistrates Court.

Disbursements:

Disbursements are costs directly related to your case that are payable to third parties or otherwise incurred by us on your behalf. The disbursements that are likely to arise in motoring cases and are not included in the range of fees set out herein are:

- Petrol expenses for return journeys to Magistrates Courts (which are charged at the rate of £0.45 per mile plus VAT), or where appropriate alternative and incidental costs relating to parking, train, and taxi fares.
- Counsel Fees
- Expert witnesses
- If a hearing is not concluded within one day, and is outside of the region, it may be suitable and necessary to incur costs for overnight accommodation.

Key Stages:

1. Receive a Single Justice Procedure Notice, Postal Requisition or Summons.
2. Initial Fixed Fee Consultation as detailed above.
3. Responding to the alleged offence(s) by completing the Court documentation and or otherwise formally indicating the plea you seek to tender.
4. If you are not contesting the claimed allegation (in whole or part) then the matter will usually be resolved at the first hearing. In contested proceedings, the first hearing will be used for the Court to exercise its case management powers. A timetable with directions will be imposed in preparation for the substantive hearing as determined by the Court.
5. Preparation and service of a Defence Case Statement (only if 'not guilty'), together with any legal arguments.
6. Applications for disclosure if the prosecuting authority fails or otherwise disputes they are required to disclose specific material.
7. Instructing any expert witnesses as required.
8. Obtaining statements from defence witnesses to be called and relied upon at the substantive hearing.
9. Advising you on the relevant Court process and procedures.
10. Conduct any further preparatory work, including obtaining any further instructions from you if necessary and answering any follow up queries you may have.
11. Preparation of Court bundles.

12. Attending the hearing.

13. We will discuss the outcome with you. If advice is required on appeal, this will carry an additional cost.

Case Duration:

The law prescribes that the majority of 'summary only' offences are laid before a Court within a period of 6 months from the commission date of the offence. It is important to note that this is not the strict timeframe upon which you are to be notified of the proceedings nor for the case to be heard before a Magistrates Court.

The time it takes for you to provide us with your initial instructions through to conclusion depends much on the stage at which your case is resolved. 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.