

DETERMINATION BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT TO THE CHAIRMAN OF THE UNDERCOVER POLICING INQUIRY UNDER SECTION 40(4) OF THE INQUIRIES ACT 2005 IN RESPECT OF LEGAL EXPENSES

1. The Secretary of State for the Home Department has determined under section 40(4) of the Inquiries Act 2005 (“the 2005 Act”) that the power of the Chairman of the Undercover Policing Inquiry (“the Inquiry”) to award amounts in respect of legal representation under section 40(1) and (2) of the 2005 Act to persons eligible for an award under section 40(3) shall be subject to the following qualifications and conditions.
2. The qualifications and conditions are-
 - a. The Chairman shall only make an award relating to a person’s costs of legal representation in relation to the Inquiry where he considers it necessary, fair, reasonable and proportionate to make such an award.
 - b. Any award shall be subject to the condition that payment will only be made for work that is properly evidenced and can be identified as having been done in an effective and efficient manner, avoiding unnecessary duplication and making the best use of public funds.
 - c. An award shall be made only in respect of legal work undertaken by an applicant’s named legal representative whom the Chairman has designated under either rule 6 or rule 7 of the Inquiry Rules 2006 to be that person’s recognised legal representative in relation to the Inquiry, unless the Secretary of State for the Home Department agrees otherwise.
 - d. If an applicant’s recognised legal representative engages a legal team, an award shall be made in respect of work undertaken by that team only if the Chairman has approved its size and composition, including the seniority and number of any counsel whose retention he agrees to be necessary. Costs associated with work carried out by legal representatives who are not approved in advance of the work being carried out shall not be met from public funds.
 - e. In determining whether to make an award the Chairman shall specify the nature and scope of the work that is to be publicly funded. Legal representatives must not be publicly funded for work that does not fall within the specified scope. When making any award the Chairman shall specify the hourly rates applicable to all members of the applicant’s approved legal team, subject to the maximum hourly rates specified at paragraphs 3 and 4 below.
 - f. As an inquiry under the 2005 Act is inquisitorial in nature, an award shall not be made in respect of investigative work or work in relation to obtaining expert reports unless the Chairman gives express written permission in advance for such work to be carried out.
 - g. An award shall limit the maximum number of hours that can be charged by any member of the applicant’s legal team in any week to 40 hours save that, exceptionally, the Solicitor to the Inquiry may authorise an

increase to a maximum of 60 hours during the oral hearings, including preliminary hearings, and for the eight week period immediately preceding the commencement of the oral hearings, where he is satisfied that such action is justified in all the circumstances. For the purposes of this paragraph, a week shall be taken to commence on a Monday and end on the following Sunday, and no unused hours below the maximum in any one week may be set off against any other week.

3. Where the Chairman has determined that an award in respect of legal representation should be made, the maximum hourly rates to be paid must not exceed:
 - Leading Counsel (whether a member of the Bar or a solicitor advocate) a range between £180 - £200
 - Junior Counsel (whether a member of the Bar or a solicitor advocate) £100
 - Solicitor with over eight years post-qualification experience £150
 - Solicitors and legal executives with over four years' experience £125
 - Other solicitors, legal executives and fee-earners of equivalent experience £100
 - Trainee solicitors, paralegals and other fee-earners £75
4. The maximum hourly rates for travel and waiting by the members of an applicant's legal team shall be half of the applicable maximum hourly rate relating to legal work as specified at paragraph 3.
5. Expenditure incurred by an applicant in respect of legal representation before an award is made by the Chairman shall not be recoverable, except where (and to the extent that) it has been incurred with the prior agreement of the Solicitor to the Inquiry.