

CURRENT GUIDANCE

## Transparency Standards Guidance – Annexes

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## Transparency Standards Guidance

### Annex A – fact sheet example

Everyone must comply with the transparency rules by providing information about price, service and redress on their websites. You must also comply with the transparency rules by ensuring the required information is readily available in alternative format. This must be provided on request. For example:

*Barrister A's website complies with the transparency rules, but they are contacted by a prospective client who does not have Internet access. The prospective client requests price, service and redress information in alternative format. Barrister A's clerk sends the prospective client the information in alternative format.*

*Barrister B does not have a website. They are contacted by a prospective client who requests price, service and redress information in alternative format. Barrister B's clerk sends the prospective client the information in alternative format.*

You can provide information in alternative format in the form of a 'fact sheet'. You should not charge a fee for this. An example of a fact sheet can be found below. The example does not go beyond the mandatory rules. However, we encourage you to do so where appropriate – for example, if barristers in chambers are not authorised to conduct litigation, stating that Public Access clients will need to conduct litigation themselves where necessary. This guidance includes additional best practice on transparency to help you to do so.

The example of a fact sheet below assumes that some or all of the barristers practising from the chambers in question are undertaking Public Access work. However, it also assumes that the barristers are not required to comply with additional price transparency rules in relation to Public Access services. If you are required to comply with these additional rules

and a request is made to you, you must also provide this information in alternative format. The specific circumstances in which price transparency requirements apply in relation to Public Access services, and examples of the required price transparency, can be found at Annexes C – J.

### **Orchard Chambers**

#### ***About Us***

Barristers in chambers practise in criminal, immigration and licensing law. Our barristers advise and represent clients:

- Facing criminal charges in the Magistrates' or Crown Courts. Our barristers also act for clients in the High Court and Court of Appeal, and for the Crown Prosecution Service;
- In relation to immigration and asylum matters. Our barristers act for clients at all levels from the First-tier Tribunal (Immigration and Asylum) to the Court of Appeal; and
- In relation to licensing matters. Our barristers act for clients in local authority hearings and in appeals to the Magistrates' Court.

#### ***Contact Us***

The following are invited to contact the clerks on XX for a quote for our barristers' services (or e-mail XX):

- Solicitors or other practising lawyers;
- Licensed Access clients, who may either hold a licence issued by the Bar Standards Board, or be a member of a professional body which has been recognised by the Bar Standards Board; and

- Members of the public who wish to instruct a barrister under the Public Access scheme.

We will provide you with a quote as soon as possible. We always aim to set out quotes clearly, but if you receive your quote and there is something you do not understand, please contact us.

### ***Fees***

Barristers in chambers most often charge hourly rates for private criminal and immigration work (where the client is not eligible for legal aid). Barristers in chambers most often charge fixed fees for licensing work.

Our barristers also accept instructions under conditional fee agreements (“no win, no fee” agreements) in certain circumstances. For information, please contact the clerks on XX (or e-mail XX).

### ***Timescales***

Timescales for a case may vary depending on factors such as barristers’ availability, the type and complexity of the case, the other side’s approach and court waiting times.

### ***Public Access***

If you are a member of the public, the Bar Standards Board’s Public Access Guidance for Lay Clients is enclosed. This will help you to understand how the Public Access scheme works, and explains how you can use it to instruct barristers directly.

### ***Regulatory and Complaints Information***

Barristers in chambers are regulated by the Bar Standards Board. You can search the Barristers' Register on the Bar Standards Board's website:

<https://www.barstandardsboard.org.uk/regulatory-requirements/the-barristers'-register/>. This shows (1) whether a barrister has a current practising certificate, and (2) whether a barrister has any disciplinary findings, which are published on the Bar Standards Board's website in accordance with their policy. Alternatively, you can contact the Bar Standards Board on 020 7611 1444 to ask about this (or e-mail [ContactUs@BarStandardsBoard.org.uk](mailto:ContactUs@BarStandardsBoard.org.uk)).

A separate sheet is enclosed which provides information about:

- Our complaints procedure;
- Any right you may have to complain to the Legal Ombudsman (LeO) – the independent body which can help you if you have complained to your lawyer and are not happy with their response;
- How to complain to LeO; and
- Any time limits for making a complaint.

You can also search the decision data on LeO's website:

<http://www.legalombudsman.org.uk/raising-standards/data-and-decisions/#ombudsman-decision-data>. This shows providers which received an ombudsman's decision in the previous 12 months, and whether LeO required the provider to give the consumer a remedy. Alternatively, you can contact LeO on 0300 555 0333 to ask about this (or e-mail [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)).

This example complies with the mandatory rules on price transparency, as it:

- States that professional, licensed access, and lay clients (as appropriate) may contact the chambers to obtain a quotation for legal services;

- Provides contact details; and
- States the chambers' barristers most commonly used pricing models for legal services (where different models are typically used for different legal services, this is explained).

This example also complies with the mandatory rules on service transparency, as it:

- States the areas of practice in which the chambers' barristers most commonly provide legal services;
- States and provides a description of the chambers' barristers most commonly provided legal services, allowing consumers to sufficiently understand their expertise;
- Provides information about the factors which might influence the timescales of the chambers' barristers most commonly provided legal services; and
- Encloses the BSB's [Public Access Guidance for Lay Clients](#). Note that this is only required if some or all of the barristers practising from the chambers in question are undertaking Public Access work.

Finally, this example complies with the mandatory rules on redress transparency, as it:

- States that barristers in chambers are regulated by the Bar Standards Board;
- Encloses a separate sheet which provides information about the chambers' complaints procedure, any right to complain to LeO, how to complain to LeO and any time limits for making a complaint. Model sheets can be found in the BSB's [First Tier Complaints Handling Guidance](#) – Appendix 1 for multi-member sets of chambers, and Appendix 2 for sole practitioners; and
- Provides information about the Barristers' Register page on the BSB's website, and the decision data on LeO's website (and contact details for the BSB and LeO).

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### Annex B – price transparency policy statement

#### Introduction

1. The BSB has introduced mandatory rules on price, service and redress transparency for all self-employed barristers, chambers and BSB entities (Rules C103 and C159 in the BSB Handbook). In relation to price for example, websites must state in a sufficiently accessible and prominent place that professional, licensed access, and/or lay clients (as appropriate) may contact the barrister, chambers or BSB entity to obtain a quotation for legal services, and provide their contact details. Quotations must be provided if sufficient information has been provided by the client, and the barrister, barristers in chambers or BSB entity would be willing to provide the legal services. Quotations must also be provided within a reasonable time period, and in clear and readily understandable terms.
2. This policy statement concerns the further requirement for certain self-employed barristers/their chambers and BSB entities to publish information about the prices consumers are likely to pay for legal services (where those services are provided on a Public Access basis). The statement sets out the application and scope of the requirements, and the rationale for them. Further details of the requirements themselves can be found in the BSB Handbook (Rules C164 – C169) and the BSB's Transparency Standards Guidance.
3. The following Public Access services will be subject to price transparency requirements from July 2019:

- Employment Tribunal cases (advice and representation for employers and employees)
  - Financial disputes arising out of divorce
  - Immigration appeals (First-tier Tribunal)
  - Inheritance Act advices
  - Licensing applications in relation to business premises
  - Personal injury claims
  - Summary only motoring offences (advice and representation for defendants)
  - Winding-up petitions
4. For each Public Access service listed, the specific circumstances in which price transparency requirements apply and an example of the required price and service transparency can be found in the BSB's Transparency Standards Guidance (Annexes C – J).

#### **Application of price transparency requirements**

5. In its report, the CMA stated that improvements in transparency will have greatest impact where they are required of providers which are engaged directly by consumers or small businesses in a client capacity. As a result, it prioritised Public Access barristers as having the greatest potential impact on transparency rather than the referral Bar. This is because the main focus is on difficulties that consumers and small businesses face in “shopping around”, such as a lack of information about price.
6. The CMA did not make specific recommendations in relation to barristers doing referral work. It did note that the solicitor's role as an intermediary may be strengthened if there are general improvements in the level of transparency in the sector, and indeed the BSB has introduced certain mandatory rules on price, service



and redress transparency for all self-employed barristers, chambers and BSB entities.

7. In applying a requirement to publish information about the prices consumers are likely to pay for legal services, we have prioritised the less bespoke services provided by Public Access barristers. It would not be proportionate to apply a requirement to publish information about prices to all Public Access barristers, including where they provide bespoke services via Public Access. However, we hope that applying transparency requirements to certain Public Access services will encourage improved price and service transparency, where appropriate, for other Public Access services.

### **Scope of price transparency requirements**

8. The BSB Handbook states that self-employed barristers undertaking Public Access work/their chambers, and BSB entities supplying legal services directly to the public, are required by this policy statement to provide price information in relation to certain Public Access services.
9. In relation to those Public Access services, each website of self-employed barristers undertaking public access work/their chambers, and BSB entities supplying legal services directly to the public, must in a sufficiently accessible and prominent place:
  - State their pricing model(s) e.g. fixed fee, hourly rate, etc.;
  - State their indicative fees and the circumstances in which they may vary e.g. a fixed fee and the circumstances in which additional fees may be charged, or an hourly rate by seniority of barrister;
  - State whether their fees include VAT (where applicable);

- State likely additional costs, what they cover and either the cost or, if this can only be estimated, the typical range of costs; and
- Do so in such form as the BSB determines. Sole practitioners and BSB entities are single economic units. A sole practitioner must therefore provide price information in relation to them as an individual barrister, and a BSB entity must provide price information in relation to the entity. However, chambers are constituted of individual self-employed barristers and are not single economic units. They may therefore provide price information either in relation to individual barristers, or barristers in chambers in the form of ranges or average fees.

10. The BSB recognises that self-employed barristers and BSB entities may not currently be providing the Public Access services listed at paragraph 15 of this policy statement, but may be asked to accept instructions to do so at short notice. In this case, self-employed barristers and BSB entities will not need to comply with the above requirements before accepting instructions. However, they must do so as soon as reasonably practicable after accepting instructions. Self-employed barristers, chambers and BSB entities must also comply with the above requirements by ensuring the required information is readily available in alternative format. This must be provided on request e.g. if they do not operate a website, or a client or prospective client does not have Internet access.

### **Criteria for price transparency requirements**

11. In order to determine which (less bespoke) Public Access services should be subject to these price transparency requirements, the BSB has developed a set of criteria. The following factors would indicate that a Public Access service should be subject to price transparency requirements:

- The service is most commonly purchased by less experienced and less expert consumers;
- The service is offered in a practice area with more vulnerable clients;
- Consumers would likely benefit from an information remedy in the form of price transparency; and
- Transparency would promote competition and allow consumers to compare barristers' prices for the service with those of solicitors and other legal providers.

12. In relation to the final criterion (transparency would promote competition and allow consumers to compare barristers' prices for the service with those of solicitors and other legal providers), the BSB's policy objective is to align with the approaches of the Solicitors Regulation Authority (SRA) and the other legal services regulators where appropriate. This will allow price transparency requirements to have the greatest impact on the legal services market, increasing consumer understanding and competition and minimising regulatory arbitrage. If price transparency in relation to a service is required by the SRA or another legal services regulator, this would therefore be one reason for the BSB to require the same.

13. However, the BSB is a specialist legal services regulator. Its particular specialist focus is on the regulation of advocacy and related litigation services and expert legal advice. The BSB's price transparency requirements therefore need to be consistent with the types of legal services provided by its regulated community in practice. If price transparency in relation to a service is required by the SRA or another legal services regulator, the BSB would not require the same if the service is not provided by barristers in practice e.g. conveyancing.

14. More broadly, a Public Access service would not need to meet all of the criteria at paragraph 11 in order to be subject to price transparency requirements. If for example a service is not offered in a practice area with more vulnerable clients, but

price transparency would nonetheless benefit consumers, the service could still be made subject to the requirements. No one criterion is considered more important than another and so in applying the criteria, the BSB has taken a holistic approach with the policy objective of having the greatest impact on the legal services market, increasing consumer understanding and competition.

### **Public Access services subject to price transparency requirements**

15. By applying the criteria at paragraph 11 in this way, the BSB has initially determined that the following Public Access services should be subject to price transparency requirements:

- Employment Tribunal cases (advice and representation for employers and employees)
- Financial disputes arising out of divorce
- Immigration appeals (First-tier Tribunal)
- Inheritance Act advices
- Licensing applications in relation to business premises
- Personal injury claims
- Summary only motoring offences (advice and representation for defendants)
- Winding-up petitions

16. These Public Access services will be subject to price transparency requirements from July 2019. For each Public Access service listed, the specific circumstances in which price transparency requirements apply and an example of the required price and service transparency can be found in the BSB's Transparency Standards Guidance (Annexes C – J).

**Review of price transparency requirements**

17. From 2020, the BSB will evaluate the effectiveness of all mandatory rules on price, service and redress transparency for self-employed barristers, chambers and BSB entities.

18. As part of this evaluation programme, we will review the Public Access services which are subject to additional price transparency requirements to ensure that the criteria at paragraph 11 still apply. In doing so, we will be sensitive to any developments in the market and changes made to the requirements of the other legal services regulators. If we determine that there should be any changes in the Public Access services which are subject to additional price transparency requirements, we will publish a revised version of this policy statement, and revised examples of the required price and service transparency. We will also review whether applying additional transparency requirements to certain Public Access services has encouraged improved price and service transparency, where appropriate, for other Public Access services.

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## Transparency Standards Guidance

### Annexes C-J – price transparency policy statement: examples of required price and service transparency

#### **Annex C: Employment Tribunal cases (advice and representation for employers and employees)**

If you are, on a Public Access basis:

- Providing advice and representation to employees in relation to their bringing of a claim before the Employment Tribunal against their employer; and/or
- Providing advice and representation to employers in relation to defending claims before the Employment Tribunal brought by an employee

You must comply with additional price transparency rules in relation to those services.

Note that additional price transparency rules only apply in relation to actions for ordinary unfair dismissal and/or wrongful dismissal. Additional price transparency rules do not apply where there are other claims brought in addition to ordinary unfair dismissal and/or wrongful dismissal.

An example of the required price and service transparency can be found below. The example does not go beyond the mandatory rules. However, we encourage you to do so where appropriate, and this guidance includes additional best practice on transparency to help you to do so.

**Orchard Chambers**

***Public Access – Employment Tribunal***

Our barristers can advise both employees and employers on ordinary unfair dismissal and wrongful dismissal claims. Our barristers can also represent both employees and employers at the Employment Tribunal.

***Timescales***

Timescales for your case may vary depending on factors such as barristers' availability, the complexity of your case, the need for additional documents and the other side's approach. However, as a guide more straightforward cases tend to have a hearing date four to six months of a claim being made.

***Fees***

We may charge fixed fees, which means that we will charge you a set amount of money for the work. Below we provide estimates based on the ranges of fixed fees for barristers in Orchard Chambers. All fees include VAT (where applicable).

If we charge fixed fees, these may vary depending on your needs – for example, your fees may be towards the higher end of the range if you need a more experienced barrister and/or you have a more complex case. If you have a particularly complex case, your fees may also be higher than the estimates below. There are also likely to be additional costs of £X, for X.

| <b>Stage of case</b>  | <b>Ranges of fixed fees (estimates)</b> |
|---|---|
| Written advice on your claim  | £X – £X                                 |
| Preparation of case, including meetings with you and assistance with drafting of any tribunal documents | £X – £X                                 |
| Preliminary hearing   | £X – £X                                 |

|   |         |
|---|---------|
| First day's tribunal appearance   | £X – £X |
| Tribunal appearances per day, after the first day   | £X – £X |
| Remedy hearing (to decide compensation)   | £X – £X |
| <b>Contact Us</b>   |         |
| All information is correct as of X, but fees are <u>estimates only</u> . For a quotation, please contact the clerks on XX (or e-mail XX). |         |

This example complies with the additional price and service transparency requirements as, in relation to the relevant Public Access service, it states:

- The pricing model (fixed fee, although other pricing models can be used. See the hourly rate example below);
- Indicative fees and the circumstances in which they may vary;
- Whether the fees include VAT (where applicable);
- Likely additional costs;
- The price information in the form of ranges for barristers in chambers (although price information can also be provided in the form of average fees for barristers in chambers, or in relation to individual barristers – see the mandatory rules on price transparency in section 2);
- The Public Access service in question and a description of the service, including a concise statement of the key stages (allowing consumers to sufficiently understand the service); and
- An indicative timescale for the key stages.



Hourly rate example

| <b>Stage of case</b>  | <b>Ranges of hourly rates (estimates)</b> |
|---|---|
| Written advice on your claim  | £X – £X, approximately X hours            |
| Preparation of case, including meetings with you and assistance with drafting of any tribunal documents | £X – £X, approximately X hours            |
| Preliminary hearing   | £X – £X, approximately X hours            |
| First day's tribunal appearance   | £X – £X, approximately X hours            |
| Tribunal appearances per day, after the first day   | £X – £X, approximately X hours per day    |
| Remedy hearing (to decide compensation)   | £X – £X, approximately X hours            |

### **Annex D: financial disputes arising out of divorce**

If you are, on a Public Access basis, providing advice and representation to clients in relation to financial disputes arising out of divorce, you must comply with additional price transparency rules in relation to those services.

By “financial disputes arising out of divorce”, we mean where the parties cannot agree on financial matters during the process of obtaining, or following, a divorce. For example:

- How assets should be divided;
- Whether to sell the matrimonial home or other assets;
- Maintenance payments; and
- Pension sharing.

Note that additional price transparency rules only apply where the parties have joint assets which are worth less than £300,000.

An example of the required price and service transparency can be found below. The example does not go beyond the mandatory rules. However, we encourage you to do so where appropriate – for example, if barristers in chambers are not authorised to conduct litigation, stating that Public Access clients will need to conduct litigation themselves where necessary. This guidance includes additional best practice on transparency to help you to do so.

|   |
|---|
| <b>Orchard Chambers</b>   |
| <b><i>Public Access – Financial Disputes in Divorce</i></b>   |
| Our barristers can advise you if you and your former partner cannot agree on financial matters during, or after, a divorce. For example, you may not be able to agree on how assets should be divided, whether to sell your home or other assets, maintenance |

payments, or pension sharing.

If you cannot agree, you can apply to a court for a financial order. You may need to attend a number of court hearings – our barristers can represent you in these hearings.

### ***Timescales***

Timescales for your case may vary depending on factors such as barristers' availability, the value and complexity of your assets, whether you have children, how much you have already agreed with your former partner, and their approach. Written advice on your financial dispute will be available within two to four weeks where possible. As a guide, court hearings for a financial order tend to take six to twelve months. This does not include possible appeals.

### ***Fees***

We may charge fixed fees, which means that we will charge you a set amount of money for the work. Below we provide estimates based on the ranges of fixed fees for barristers in Orchard Chambers, where the parties have joint assets which are worth less than £300,000. All fees include VAT (where applicable).

If we charge fixed fees, these may be towards the higher end of the range if you need a more experienced barrister. If you have a particularly complex case, your fees may also be higher than the estimates below. There are also likely to be additional costs of £X, for X.

| <b>Stage of case</b>   | <b>Ranges of fixed fees (estimates)</b> |
|--|---|
| Written advice on your financial dispute   | £X – £X                                 |
| Preparation of case, including meetings with you and assistance with drafting of any court documents | £X – £X                                 |

|   |         |
|---|---------|
| First appointment (first court hearing exchanging financial information)  | £X – £X |
| Financial dispute resolution appointment (second court hearing to reach a financial settlement)   | £X – £X |
| First day of final hearing (if no settlement was reached in the financial dispute resolution appointment)   | £X – £X |
| Court appearances per day, after the first day of the final hearing   | £X – £X |
| <b>Contact Us</b>   |         |
| <p>All information is correct as of X, but fees are <u>estimates only</u>. For a quotation, please contact the clerks on XX (or e-mail XX). Please also contact the clerks if you and your former partner have joint assets which are worth more than £300,000.</p> |         |

This example complies with the additional price and service transparency requirements as, in relation to the relevant Public Access service, it states:

- The pricing model (fixed fee, although other pricing models can be used. See the hourly rate example below);
- Indicative fees and the circumstances in which they may vary;
- Whether the fees include VAT (where applicable);
- Likely additional costs;
- The price information in the form of ranges for barristers in chambers (although price information can also be provided in the form of average fees for barristers in chambers, or in relation to individual barristers – see the mandatory rules on price transparency in section 2);

- The Public Access service in question and a description of the service, including a concise statement of the key stages (allowing consumers to sufficiently understand the service); and
- An indicative timescale for the key stages.

Hourly rate example

| Stage of case   | Ranges of hourly rates (estimates)     |
|---|--|
| Written advice on your financial dispute  | £X – £X, approximately X hours         |
| Preparation of case, including meetings with you and assistance with drafting of any court documents      | £X – £X, approximately X hours         |
| First appointment (first court hearing exchanging financial information)                                  | £X – £X, approximately X hours         |
| Financial dispute resolution appointment (second court hearing to reach a financial settlement)           | £X – £X, approximately X hours         |
| First day of final hearing (if no settlement was reached in the financial dispute resolution appointment) | £X – £X, approximately X hours         |
| Court appearances per day, after the first day of the final hearing                                       | £X – £X, approximately X hours per day |

### **Annex E: immigration appeals (First-tier Tribunal)**

If you are, on a Public Access basis:

- Preparing applications in relation to appeals against Home Office visa or immigration decisions (excluding asylum appeals); and/or
- Providing advice and representation at the First-tier Tribunal (Immigration and Asylum Chamber) in relation to appeals against Home Office visa or immigration decisions (excluding asylum appeals);

You must comply with additional price transparency rules in relation to those services.

An example of the required price and service transparency can be found below. The example does not go beyond the mandatory rules. However, we encourage you to do so where appropriate, and this guidance includes additional best practice on transparency to help you to do so.

It will also be particularly useful for you to explain that barristers cannot do legal aid work on a Public Access basis. Each client will need to make an informed decision about whether to apply for legal aid or proceed with Public Access.

| <b>Orchard Chambers</b>   |
|---|
| <b><i>Public Access – Immigration Appeals</i></b>   |
| If you wish to appeal against a Home Office visa or immigration decision, our barristers can advise and represent you. You can ask us just to submit an appeal form, or ask for a hearing at the First-tier Tribunal (Immigration and Asylum Chamber) – our barristers can advise you about this. The First-tier Tribunal can also itself decide to hold a hearing. |
| Please note that barristers are not allowed to do legal aid work on a Public Access basis. To   |

help you make an informed decision about whether to apply for legal aid or proceed with Public Access, you can use the legal aid eligibility calculator on the gov.uk website:

<https://www.gov.uk/check-legal-aid>.

### ***Timescales***

Timescales for our services may vary depending on factors such as barristers' availability, the complexity of your case and the need for additional documents. As you must appeal a decision within 14 days (from within the UK) or 28 days (from outside the UK), please contact the clerks as soon as possible. You may also need advice and/or representation at short notice. If so, please contact the clerks: our barristers will aim to advise you and/or represent you at a hearing where possible.

### ***Fees***

We may charge fixed fees, which means that we will charge you a set amount of money for the work. Below we provide estimates based on the ranges of fixed fees for barristers in Orchard Chambers. All fees include VAT (where applicable).

If we charge fixed fees, these may vary depending on your needs – for example, your fees may be towards the higher end of the range if you need a more experienced barrister and/or you have a more complex case. If you have a particularly complex case, your fees may also be higher than the estimates below. There are also likely to be additional costs of £X, for X.

| <b>Stage of case</b>   | <b>Ranges of fixed fees (estimates)</b> |
|--|---|
| Written advice on your appeal  | £X – £X                                 |
| Preparation of appeal, including meetings with you and assistance with completion of forms | £X – £X                                 |
| Preliminary hearing (in some cases)  | £X – £X                                 |

|   |         |
|---|---------|
| First day's tribunal appearance   | £X – £X |
| Tribunal appearances per day, after the first day   | £X – £X |
| <b>Contact Us</b>   |         |
| All information is correct as of X, but fees are <u>estimates only</u> . For a quotation, please contact the clerks on XX (or e-mail XX). |         |

This example complies with the additional price and service transparency requirements as, in relation to the relevant Public Access service, it states:

- The pricing model (fixed fee, although other pricing models can be used. See the hourly rate example below);
- Indicative fees and the circumstances in which they may vary;
- Whether the fees include VAT (where applicable);
- Likely additional costs;
- The price information in the form of ranges for barristers in chambers (although price information can also be provided in the form of average fees for barristers in chambers, or in relation to individual barristers – see the mandatory rules on price transparency in section 2);
- The Public Access service in question and a description of the service, including a concise statement of the key stages (allowing consumers to sufficiently understand the service); and
- An indicative timescale for the key stages.

Hourly rate example

| Stage of case                 | Ranges of hourly rates (estimates) |
|-------------------------------|------------------------------------|
| Written advice on your appeal | £X – £X, approximately X hours     |



|  |  |
|--|--|
| Preparation of appeal, including meetings with you and assistance with completion of forms | £X – £X, approximately X hours         |
| Preliminary hearing (in some cases)  | £X – £X, approximately X hours         |
| First day's tribunal appearance  | £X – £X, approximately X hours         |
| Tribunal appearances per day, after the first day  | £X – £X, approximately X hours per day |

### **Annex F: Inheritance Act advices**

If you are, on a Public Access basis:

- Providing advice to clients in relation to potential claims under the Inheritance Act 1975; and/or
- Providing advice to clients in relation to defending claims under the Inheritance Act 1975

You must comply with additional price transparency rules in relation to those services.

Note that additional price transparency rules only apply where the deceased person's estate is worth less than £300,000.

An example of the required price and service transparency can be found below. The example does not go beyond the mandatory rules. However, we encourage you to do so where appropriate, and this guidance includes additional best practice on transparency to help you to do so.

| <b>Orchard Chambers</b>   |
|---|
| <b><i>Public Access – Inheritance Act Advice</i></b>  |
| The Inheritance Act 1975 protects spouses (including former spouses), cohabitants, children and other dependants when a person dies without leaving sufficient money for the dependent's continued wellbeing. Our barristers can provide you with written advice on whether you can make a claim under the Act. Our barristers can also provide you with written advice when a person dies and you are a beneficiary of the estate, but someone else makes a claim under the Act. |

***Timescales***

Timescales for your written advice may vary depending on factors such as barristers' availability, the value and complexity of the deceased person's estate, your financial needs and those of any beneficiary of the estate. However, claims under the Act must be made within six months of the grant of probate, so as a guide your written advice will be available within two to four weeks where possible.

***Fees***

We may charge fixed fees, which means that we will charge you a set amount of money for the written advice. Below we provide estimates based on the ranges of fixed fees for barristers in Orchard Chambers, where the deceased person's estate is worth less than £300,000. All fees include VAT (where applicable).

If we charge fixed fees, these may be towards the higher end of the range if you need a more experienced barrister and/or the deceased person's estate is more complex. If the deceased person's estate is particularly complex, your fees may also be higher than the estimate below. There are also likely to be additional costs of £X, for X.

| <b>Written advice</b>                         | <b>Range of fixed fees (estimate)</b> |
|---|---------------------------------------|
| Written advice on making or defending a claim | £X – £X                               |

***Contact Us***

All information is correct as of X, but fees are estimates only. For a quotation, please contact the clerks on XX (or e-mail XX). Please also contact the clerks if the deceased person's estate is worth more than £300,000.

This example complies with the additional price and service transparency requirements as, in relation to the relevant Public Access service, it states:

- The pricing model (fixed fee, although other pricing models can be used. See the hourly rate example below);
- Indicative fees and the circumstances in which they may vary;
- Whether the fees include VAT (where applicable);
- Likely additional costs;
- The price information in the form of ranges for barristers in chambers (although price information can also be provided in the form of average fees for barristers in chambers, or in relation to individual barristers – see the mandatory rules on price transparency in section 2);
- The Public Access service in question and a description of the service, including a concise statement of the key stages (allowing consumers to sufficiently understand the service); and
- An indicative timescale for the key stages.

Hourly rate example

| <b>Written advice</b>                         | <b>Range of hourly rates (estimate)</b> |
|---|---|
| Written advice on making or defending a claim | £X – £X, approximately X hours          |

### **Annex G: licensing applications in relation to business premises**

If you are, on a Public Access basis, providing advice and representation to businesses in relation to licensing applications for business premises, you must comply with additional price transparency rules in relation to those services.

Note that additional price transparency rules only apply in relation to a) local authority hearings and appeals to the Magistrates' Court, and b) licensing applications for:

- The sale or supply of alcohol;
- Change of opening hours; and
- Entertainment purposes.

An example of the required price and service transparency can be found below. The example does not go beyond the mandatory rules. However, we encourage you to do so where appropriate, and this guidance includes additional best practice on transparency to help you to do so.

| <b>Orchard Chambers</b>  |
|--|
| <b><i>Public Access – Licensing Applications (Businesses)</i></b>  |
| Our barristers can advise you on the following licensing applications for your business: the sale or supply of alcohol, change of opening hours, and entertainment purposes. Our barristers can also represent you when your application is heard by the local authority licensing committee, and in any appeal to the Magistrates' Court. |
| <b><i>Timescales</i></b>   |
| Timescales for our services may vary depending on factors such as barristers' availability, the complexity of your application and the need for additional documents. <u>As a guide,</u>   |

written advice on your application will be available within two to four weeks where possible. Hearing dates for local authority licensing committees are set in advance, and our barristers will aim to represent you on your preferred hearing date where possible. If the local authority licensing committee refuses your application, appeals must be made to the Magistrates' Court within 21 days.

***Fees***

We may charge fixed fees, which means that we will charge you a set amount of money for the work. Below we provide estimates based on the averages of fixed fees for barristers in Orchard Chambers. All fees include VAT (where applicable).

If we charge fixed fees, these may vary depending on your needs – for example, your fees may be towards the higher end of the range if you need a more experienced barrister and/or you have a more complex application. If you have a particularly complex application, your fees may also be higher than the estimates below. There are also likely to be additional costs of £X, for X.

| <b>Stage of case</b>   | <b>Ranges of fixed fees (estimates)</b> |
|--|---|
| Written advice on your application   | £X – £X                                 |
| Preparation, including meetings with you and assistance with drafting of application | £X – £X                                 |
| Local authority licensing committee hearing  | £X – £X                                 |
| Appeal to the Magistrates' Court – initial hearing                                   | £X – £X                                 |
| Appeal to the Magistrates' Court – full hearing                                      | £X – £X                                 |

***Contact Us***

All information is correct as of X, but fees are estimates only. For a quotation, please

contact the clerks on XX (or e-mail XX).

This example complies with the additional price and service transparency requirements as, in relation to the relevant Public Access service, it states:

- The pricing model (fixed fee, although other pricing models can be used. See the hourly rate example below);
- Indicative fees and the circumstances in which they may vary;
- Whether the fees include VAT (where applicable);
- Likely additional costs;
- The price information in the form of ranges for barristers in chambers (although price information can also be provided in the form of average fees for barristers in chambers, or in relation to individual barristers – see the mandatory rules on price transparency in section 2);
- The Public Access service in question and a description of the service, including a concise statement of the key stages (allowing consumers to sufficiently understand the service); and
- An indicative timescale for the key stages.

Hourly rate example

| Stage of case  | Ranges of hourly rates (estimates) |
|--|------------------------------------|
| Written advice on your application   | £X – £X, approximately X hours     |
| Preparation, including meetings with you and assistance with drafting of application | £X – £X, approximately X hours     |
| Local authority licensing committee hearing  | £X – £X, approximately X hours     |
| Appeal to the Magistrates’ Court – initial hearing                                   | £X – £X, approximately X hours     |
| Appeal to the Magistrates’ Court – full  | £X – £X, approximately X hours     |

|         |  |
|---------|--|
| hearing |  |
|---------|--|



### **Annex H: personal injury claims**

If you are, on a Public Access basis, providing advice and representation to clients in relation to personal injury claims (claims for physical injuries, diseases or illnesses, or psychological injuries or illnesses), you must comply with additional price transparency rules in relation to those services.

Note that additional price transparency rules only apply in relation to claims which are allocated to the fast track (generally, claims which are not worth more than £25,000).

An example of the required price and service transparency can be found below. The example does not go beyond the mandatory rules. However, we encourage you to do so where appropriate – for example, if barristers in chambers are not authorised to conduct litigation, stating that Public Access clients will need to conduct litigation themselves where necessary. This guidance includes additional best practice on transparency to help you to do so.

If you are accepting instructions under a conditional fee agreement (a “no win, no fee” agreement), it will also be particularly useful for you to explain that after the event insurance might be appropriate.

| <b>Orchard Chambers</b>   |
|---|
| <b><i>Public Access – Personal Injury Claims</i></b>  |
| If you have had an accident which was not your fault and you wish to make a personal injury claim, our barristers can advise and represent you. |
| <b><i>Timescales</i></b>  |
| Timescales for your claim may vary depending on factors such as barristers’ availability, the   |

complexity of your claim, the need for additional documents and the other side’s approach. However, more straightforward cases will ideally settle within six months of a claim being made. If a trial is required, as a guide the courts tend to have a hearing date within two years of a claim being made.

**Fees**

We may use conditional fee agreements (“no win, no fee” agreements), which mean that you will only pay your barrister’s fees if your claim is successful and you receive compensation. Below we provide fee estimates based on how much your claim is for (generally, up to £25,000), and the ranges of current fees for barristers in Orchard Chambers. All fees include VAT (where applicable). If we use conditional fee agreements, your fees may be towards the higher end of the range if you need a more experienced barrister and/or you have a more complex claim. If your claim is successful the other side will also normally reimburse your additional costs (these are likely to be £X, for X).

If your claim is unsuccessful, you will not normally pay your barrister’s fees, or the other side’s legal fees or costs. However, you will still need to pay your other costs. If you do not already have legal expenses insurance, you may therefore wish to take out an after the event insurance policy to cover these costs.

| <b>Claim – not more than £3,000</b>                       | <b>Ranges of fees (estimates)</b> |
|---|-----------------------------------|
| Meeting with you  | £X – £X                           |
| Written advice on your claim                              | £X – £X                           |
| Drafting a statement of case                              | £X – £X                           |
| Trial (if required)                                       | £X – £X                           |
| Success fee (if payable)                                  | % of compensation received        |
| <b>Claim – more than £3,000, but not more than £9,999</b> |                                   |
| Meeting with you  | £X – £X                           |

|  |                            |
|--|----------------------------|
| Written advice on your claim   | £X – £X                    |
| Drafting a statement of case   | £X – £X                    |
| Trial (if required)  | £X – £X                    |
| Success fee (if payable)   | % of compensation received |
| <b>Claim – more than £10,000, but not more than £14,999</b>  |                            |
| Meeting with you   | £X – £X                    |
| Written advice on your claim   | £X – £X                    |
| Drafting a statement of case   | £X – £X                    |
| Trial (if required)  | £X – £X                    |
| Success fee (if payable)   | % of compensation received |
| <b>Claim – more than £15,000 (generally, no more than £25,000)</b>   |                            |
| Meeting with you   | £X – £X                    |
| Written advice on your claim   | £X – £X                    |
| Drafting a statement of case   | £X – £X                    |
| Trial (if required)  | £X – £X                    |
| Success fee (if payable)   | % of compensation received |
| <b>Contact Us</b>  |                            |
| <p>All information is correct as of X, but fees are <u>estimates only</u>. For a quotation, please contact the clerks on XX (or e-mail XX). Please also contact the clerks if your claim is for more than £25,000.</p> |                            |

This example complies with the additional price and service transparency requirements as, in relation to the relevant Public Access service, it states:

- The pricing model (conditional fee agreement, although other pricing models can be used);

- Indicative fees and the circumstances in which they may vary;
- Whether the fees include VAT (where applicable);
- Likely additional costs;
- The price information in the form of ranges for barristers in chambers (although price information can also be provided in the form of average fees for barristers in chambers, or in relation to individual barristers – see the mandatory rules on price transparency in section 2);
- The Public Access service in question and a description of the service, including a concise statement of the key stages (allowing consumers to sufficiently understand the service); and
- An indicative timescale for the key stages.

**Annex I: summary only motoring offences (advice and representation for defendants)**

If you are, on a Public Access basis, providing advice and representation to defendants in relation to summary only motoring offences, you must comply with additional price transparency rules in relation to those services.

Note that additional price transparency rules only apply in relation to summary only motoring offences under Part I of the Road Traffic Act 1988 and/or s89 of the Road Traffic Regulation Act 1984.

An example of the required price and service transparency can be found below. The example does not go beyond the mandatory rules. However, we encourage you to do so where appropriate – for example, if barristers in chambers are not authorised to conduct litigation, stating that Public Access clients will need to conduct litigation themselves where necessary. This guidance includes additional best practice on transparency to help you to do so.

| <b>Orchard Chambers</b>  |
|--|
| <b><i>Public Access – Motoring Offences (Summary Only)</i></b>   |
| <p>Our barristers can advise and represent you in court if you are charged with a ‘summary only’ motoring offence. This is a motoring offence which can only be heard in the Magistrates’ Court; for example, driving while disqualified, driving without insurance, careless driving, failing to stop or report, and speeding.</p> <p style="text-align: center;"><b><i>Timescales</i></b></p> <p>Timescales for our services may vary depending on factors such as barristers’ availability, the complexity of your case and the need for additional documents. <u>As a guide</u>, written advice on your case will be available within two to four weeks where possible. You may also</p> |

need representation at short notice. If so, please contact the clerks and our barristers will aim to represent you at the hearing where possible.

**Fees**

We may charge fixed fees, which means that we will charge you a set amount of money for the work. Below we provide estimates based on the ranges of fixed fees for barristers in Orchard Chambers. All fees include VAT (where applicable).

If we charge fixed fees, these may vary depending on your needs – for example, your fees may be towards the higher end of the range if you need a more experienced barrister and/or you have a complex case. If you have a particularly complex case, your fees may also be higher than the estimates below. There are also likely to be additional costs of £X, for X.

| Stage of case  | Ranges of fixed fees (estimates) |
|--|----------------------------------|
| Written advice on your case  | £X – £X                          |
| Preparation of case, including meetings with you and assistance with drafting of court documents | £X – £X                          |
| Guilty pleas   | £X – £X                          |
| First appearance (pre-trial court appearance)  | £X – £X                          |
| First day of trial   | £X – £X                          |
| Court appearances per day, after the first day of trial  | £X – £X                          |

**Contact Us**

All information is correct as of X, but fees are estimates only. For a quotation, please contact the clerks on XX (or e-mail XX).

This example complies with the additional price and service transparency requirements as, in relation to the relevant Public Access service, it states:

- The pricing model (fixed fee, although other pricing models can be used. See the hourly rate example below);
- Indicative fees and the circumstances in which they may vary;
- Whether the fees include VAT (where applicable);
- Likely additional costs;
- The price information in the form of ranges for barristers in chambers (although price information can also be provided in the form of average fees for barristers in chambers, or in relation to individual barristers – see the mandatory rules on price transparency in section 2);
- The Public Access service in question and a description of the service, including a concise statement of the key stages (allowing consumers to sufficiently understand the service); and
- An indicative timescale for the key stages.

Hourly rate example

| Stage of case  | Ranges of hourly rates (estimates)     |
|--|--|
| Written advice on your case  | £X – £X, approximately X hours         |
| Preparation of case, including meetings with you and assistance with drafting of court documents | £X – £X, approximately X hours         |
| Guilty pleas   | £X – £X, approximately X hours         |
| First appearance (pre-trial court appearance)  | £X – £X, approximately X hours         |
| First day of trial   | £X – £X, approximately X hours         |
| Court appearances per day, after the first day of trial  | £X – £X, approximately X hours per day |

### **Annex J: winding-up petitions**

If you are, on a Public Access basis:

- Providing advice and representation to clients in relation to winding-up companies which owe them monies; and/or
- Providing advice and representation to companies in relation to defending winding-up petitions issued against them;

You must comply with additional price transparency rules in relation to those services.

An example of the required price and service transparency can be found below. The example does not go beyond the mandatory rules. However, we encourage you to do so where appropriate – for example, if barristers in chambers are not authorised to conduct litigation, stating that Public Access clients will need to conduct litigation themselves where necessary. This guidance includes additional best practice on transparency to help you to do so.

| <b>Orchard Chambers</b>  |
|--|
| <b><i>Public Access – Winding-Up Petitions</i></b>   |
| If you are owed £750 or more by a company and are able to prove that the company cannot pay you, you may be able to apply to a court to close or ‘wind-up’ the company. Our barristers can advise you on the process of issuing a winding-up petition and represent you at the court hearing. If you are company which has had a winding-up petition issued against you, our barristers can also advise you on the process of defending it and represent you at the court hearing. |
| <b><i>Timescales</i></b>   |



Timescales may vary depending on factors such as barristers' availability, the need for additional documents and court waiting times. However, as a guide the courts tend to have a hearing date eight to ten weeks after a winding-up petition is issued.

**Fees**

We may charge fixed fees, which means that we will charge you a set amount of money for the work. Below we provide estimates based on the ranges of fixed fees for barristers in Orchard Chambers. All fees include VAT (where applicable).

If we charge fixed fees, these may be towards the higher end of the range if you need a more experienced barrister and/or the matter is more complex. If the matter is particularly complex, your fees may also be higher than the estimates below. There are also likely to be additional costs of £X, for X.

If you are issuing a winding-up petition, you should also note that even if the company is wound up, you might not get all or any of the money you are owed.

| Stage of case   | Ranges of fixed fees (estimates) |
|---|----------------------------------|
| Advice on issuing or defending winding-up petition                  | £X – £X                          |
| Assistance with completion of forms and all necessary steps to take | £X – £X                          |
| Preparation for and attendance at court hearing                     | £X – £X                          |

**Contact Us**

All information is correct as of X, but fees are estimates only. For a quotation, please contact the clerks on XX (or e-mail XX).

This example complies with the additional price and service transparency requirements as, in relation to the relevant Public Access service, it states:

- The pricing model (fixed fee, although other pricing models can be used. See the hourly rate example below);
- Indicative fees and the circumstances in which they may vary;
- Whether the fees include VAT (where applicable);
- Likely additional costs;
- The price information in the form of ranges for barristers in chambers (although price information can also be provided in the form of average fees for barristers in chambers, or in relation to individual barristers – see the mandatory rules on price transparency in section 2);
- The Public Access service in question and a description of the service, including a concise statement of the key stages (allowing consumers to sufficiently understand the service); and
- An indicative timescale for the key stages.

Hourly rate example

| Stage of case   | Ranges of hourly rates (estimates) |
|---|------------------------------------|
| Advice on issuing or defending winding-up petition                  | £X – £X, approximately X hours     |
| Assistance with completion of forms and all necessary steps to take | £X – £X, approximately X hours     |
| Preparation for and attendance at court hearing                     | £X – £X, approximately X hours     |

CURRENT GUIDANCE

## Transparency Standards Guidance

### Annex K – most common pricing models

#### ***Brief fee and refresher***

A brief fee is a fixed fee which covers preparation for a trial and the first day. A refresher is a fixed fee for each subsequent day of the trial (which includes ongoing preparation).

#### ***Capped fee***

A legal services provider will charge an amount of money per hour (an hourly rate), but agree with the client that the total amount will not be more than a set level.

#### ***Conditional fee agreement***

A client will only pay a legal services provider for work if they receive compensation as a result of the proceedings. Conditional fee agreements are popular with consumers and often referred to as “no win, no fee” agreements.

#### ***Fixed fee***

A legal services provider will charge a client a set amount of money for work. Consumers often prefer fixed fees, as they remove the anxiety of not knowing how long the work might take and therefore the cost. However, by charging on a fixed fee basis the provider will be taking on the risk that the work may take longer than expected, and so may charge a higher fee to compensate for this. There may also be circumstances where additional fees are charged, and it is important for the provider to be clear about this.

***Hourly rate***

When a legal services provider charges a client per hour worked. The setting of hourly rates is not necessarily straightforward and a number of factors may determine the rate that the provider chooses to set; for example, seniority, type of client and whether the provider is trying to build business in a new area.

***Volume purchase discount***

A client pays a legal services provider for work in bulk and so receives a discount.