

Shaikh Solicitors

Transparency of Fixed Price and Service Information: Motoring Offences

Introduction

As part of our professional rules, we aim to ensure that anyone wishing to use our services has the information they need to make an informed choice of legal services provider, including understanding what the costs may be.

You are advised to always ask if there are alternative means to funding your case through legal aid or policies of insurance before agreeing fixed price representation.

We endeavour as per our regulators rules to be as transparent as we can in relation to fees and will always provide the same in writing before you make your decision.

We will endeavour to explain all that we can in the simplest of terms when you speak to us and will never aim to be condescending, we know that a conviction in relation to the possibility of losing your licence can have devastating consequences on people you care for, your employment and or livelihood and so we will always endeavour to explain as clearly as we can the options available to you.

If you require any further information at any point, you only need, ask and look at our website terms and conditions, client information booklet which holds valuable information about the court process.

Why instruct SHAIKH Solicitors?

SHAIKH Solicitors specialises in criminal defence in all areas of Criminal Law. We undertake both legally aided clients and those who are privately funded, together with pro bono representation subject to agreement. We strive to ensure our clients have expert assistance at the point of arrest, in the Magistrates and Crown Court as well as appeals in the Court of Appeal and Supreme Court.

Based in Bradford, our approach to clients is one of friendliness and efficiency. Our clients are made to feel welcome but also confident that their legal issues are dealt with in a manner that is both expedient and first class. We strive to create the right impression by being as available and as approachable as possible. We can offer appointments outside normal working hours and are available 24 hours a day 365 days a year for emergencies and clients who have been arrested. We feel it important that our clients to always have access to a solicitor and we ensure that as a firm we work as efficiently as possible to deliver an excellent service to all our clients, as such we retain a messaging service directly connected to a solicitor on the website.

There are many driving offences which can vary from minor offences to major offences and so can the punishments. We can help with drink/drug driving, mobile phone offences, speeding, dangerous driving and driving without insurance to name a few. These laws are in place to protect you, however if you have fallen victim to such an offence then we are here to help you try and get it resolved. At Shaikh Solicitors, we are trained to handle every issue promptly and professionally, to help put your mind at ease.

Our Motoring Offences Team

Riyaz Shaikh

Experienced Criminal Law Solicitor and High Court Advocate with substantial experience of Motoring Offences and all other criminal matters. Mr Shaikh qualified in 2000 and is the principal of the practice. He has dealt with numerous cases involving traffic matters including death by dangerous driving, careless driving, drug and drink driving, special reasons, exceptional hardship (to avoid disqualification or endorsement) but to name a few.

Stuart Carter

Mr Carter was admitted to the Roll of Solicitors in 1977. He also holds a higher Rights Certificate and has extensive experience in Criminal law, specialising in only Criminal Law for over 40 years, including all aspects of Motoring Offences including all matters alluded to above.

Other team members

Other solicitors have over 10 years of experience with Motoring Offences and regularly assist with these offences. These are Mohammed Abid and Tariq Majid.

VAT

This is a government tax that is added to all legal services provided and is subject to change, it currently stands at 20% of the agreed fixed fee and is paid in addition to that fee. An example is provided below as to the current workings.

Motoring offence, summary only¹, Guilty Plea

Our Fees

Fixed Fee: £750 + VAT at 20% (£150) totalling £900.00.

What is included

- Attendance on you and preparing reading your case.
- Considering evidence.
- Taking your instructions.
- Providing advice on the strength and weakness of your case and if applicable the likely sentence.
- Attendance and representation at a single hearing at the Magistrates Court.
- Waiting at the court on the day of the listed hearing
- Attending on the court and prosecution at the court
- Dealing with any matters properly connected to your case on the day of the hearing.
- Contacting the court and the prosecution for any additional disclosure

What is not included

- Instruction of any expert witnesses.
- Taking statements from any witnesses.
- Advice and assistance in relation to a Special Reasons² or exceptional hardship hearing³; (This applies if there is a risk of losing your driving licence due to the sentence being passed by the court)
- Disbursements such as expert reports that may be required, these are usually within the range of £250 - £350 plus the applicable VAT rate (currently 20%) (example on a report costing £250 the vat element would be £50 so the total cost of that disbursement would be £300, similarly if the cost of the disbursement is £350 then the vat element at 20% would incur a further £75 cost, the total cost would then be £425. These sometimes include mechanical reports, radar calibration reports, medical reports but can vary depending on the type of defence or case that is being run.
- We will not instruct any expert or raise a disbursement without a full consultation and agreement with you first.
- Advice or assistance in relation to any appeal, specifically drafting the grounds if relevant.
- Mileage charged at 45p per mile plus vat @ 20% (9p) total 54 pence per mile. and parking at the relevant NCP rate.
- Adjourned hearings will attract a one-off fixed fee of £175.00 plus vat at 20% (total including vat at £35) will be £210.

Key stages involved.

The key stages of your matter are based on the presumption that you have entered a guilty plea and have a date for your hearing. They typically include:

- Meet with you to obtain instructions on what happened.
- Advise to alternative funding, i.e. Legal aid, or Insurance cover.
- Consider initial disclosure, and any other evidence and provide advice.
- Arranging to take any witness statements. This would be charged on an hourly rates basis at the charging rates set out in the table below.
- Explain the court procedure to you so you know what to expect on the day of your hearing, and the sentencing options available to the Court.
- Conduct any further preparatory work, obtain further instructions from you, if necessary, and answer any follow up queries you have.
- Attend court on the day, meet with you before going before the court. We anticipate being at court for half a day.
- Discuss the outcome with you. If written grounds on advice is required on appeal, this will carry an additional fixed agreed cost, you will however be advised within the initial fee the merits of appealing sentence or conviction.

Description	Hourly rate	+ VAT Currently at 20%	Total Hourly Rate (inc. VAT)
Directors, consultants and Solicitors with over 6 years' experience	£255.00	20% £51	£306.00
Other Solicitors and Legal Executives (FCILEX)	£177.00	20% £35.40	£212.40
Trainee Solicitors	£126.00	20% £25.20	£151.20
Paralegals	£126.00	20% £25.20	£151.20

Not Guilty Pleas and Trial and other hearings

- Full Day Trial at the Magistrates Court £2,500 plus vat at 20% (£500, totalling £3,000) (this includes all the preparatory work attendances upon and witnesses and attendance at Court).
- Half Day Trial at the Magistrates Court £1,500 plus vat at 20% (£300, totalling £1,800) (this includes all the preparatory work attendances upon and witnesses and attendance at Court).
- Special Reasons or exceptional Hardship hearing £950 plus vat at 20% (£190, totalling £1,140) (this includes all the preparatory work attendances upon and witnesses and attendance at Court).

Please note we cannot provide a precise timescale of when your hearing will take place as this depends on the court listing for that day and will be dealt with at any pre-trial hearing before the court. In our experience the usual time limit is 3-6 months from the first hearing at the court but again we will have a clearer indication when the first hearing takes place.

Notes

1. A summary only offence is an offence which can only be tried in the magistrates' court. There are exceptions. Under the Criminal Justice Act 1988 (CJA 1988) offences specified in the Act can be tried on indictment by a jury if they are linked to an offence triable only in the Crown Court. The principal summary only offences are:
 - driving whilst disqualified
 - careless and inconsiderate driving
 - failing to give information as to the identity of the driver.
 - failing to stop or report, and
 - Speeding.
 - Any summons / charge postal requisition or Single Justice Procedure you may have received from the police and or the court.
2. Special Reasons pertain exclusively to situations where the accused has been found or has pled guilty and now faces disqualification unless he/she can persuade the Court that the circumstances of the offence are such that it would be unjust to impose a ban.
3. An exceptional hardship hearing is where the accused has been found or has pled guilty and now faces disqualification unless they can persuade the Court that a disqualification would cause them or others exceptional hardship.

Both the above arguments require a precise argument to be made to the court and it is this aspect of the agreed fixed fee that requires meticulous planning and preparation. Each case is individual to the client and is therefore tailored to the client.

In some cases, a view can be taken by the solicitor to act pro bono (without charging an agreed fixed fee) this will usually relate to matters where the client is being dealt with by the firm on a substantive criminal matter and the solicitor will advise if this be the case.

Our information and terms booklet which is available on our website and accompanies all instructions will provide further information in respect of our services and procedures in the court including alternative funding measures.

We always advise that before agreeing to pay a fixed fee, check if you can meet the payment through alternative means such as an insurance policy, this can be a household policy, a policy with the bank and or your car insurance policy.

Remember that the rules which govern the defence costs in these types of cases doesn't always mean that you will recover from the court what you paid, you may only receive a portion of what has been paid to the solicitor, this again will be discussed at the merits and strength and weakness stage of your case.

If you are dissatisfied about your costs/ Complaints

Our terms and conditions booklet on the website should help you in this regard, if however, for any reason you are wanting to discuss the agreed fees, please follow the complaints procedure as highlighted on the website or simply drop the solicitor dealing with your case an email.

We will always look to resolving any issue that you have to your satisfaction within the time frame allowed. We are required by our regulator that being the Solicitors Regulation Authority to be fair and reasonable in all dealings and we will always endeavour to do this.

If your issue cannot be resolved by us then you have the option to contact the Legal Ombudsman, the information is contained on the web page in relation to contact details and complaints procedures, and you are welcome to read that.

Please remember that the key issues when contacting the Legal Ombudsman are as follows.

A complaint must be made within 6 months of receiving our final response to your complaint.

And

No more than one year from the date of the act or omission being complained about or

No more than one year from the date when you should reasonably have known that there was some cause for complaint.

Also note that the address for contacting the Legal Ombudsman has changed since the 22/01/24 and is now as follows.

Legal Ombudsman
PO Box 6167
Slough
SL1 0EH

Please note that this page is subject to change as and when our regulator requires us to publish and or update material.

This page is also subject to change if the applicable cost rates and vat rates are revised by any authorised body, to include our regulator and or the government.

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