

PRICE TRANSPARENCY RULES

Pursuant to the Solicitors Regulation Authority Transparency Rules, from 6 December 2018 all legal firms are required to provide information to potential clients in relation to certain services that are provided.

With regards to J Garrard and Allen, those services are:-

1. Residential Conveyancing;
2. Probate;
3. Employment Tribunal Claims; and
4. Business Debt Recovery up to £100,000.00.

We of course offer other services, as to which please see Our Services Page, but the contents in this note deal only with the services referred to in the Price Transparency Rules.

As a preliminary point, you should please note that it is not possible to advise at the outset of the precise cost and time scale of a matter. This is because the full details of the transaction or matter are not known fully at the beginning, and, especially in litigation and employment claims, potentially until prior to the hearing, and there may be many paths or permutations that a case will take.

Accordingly, the information and details are set out below is a guideline only, and more detailed information will be provided should you wish to engage our services, and throughout the transaction or matter.

In addition to the principal costs of J Garrard & Allen, the majority of matters will require disbursements to be paid. A disbursement is an expense that is required to be paid on your behalf in order to assist with your transaction or case.

Please note that due to the position of HMRC, if any expense is incurred by our firm, even if it does not attract VAT, we are required to charge to you, the client, the VAT element which we then pay to the Revenue.

VAT, where payable on both our firm's fees and where charged in respect of disbursements and expenses, will be at the rate of 20% currently.

In addition to providing information relating to the services provided above, solicitors are now also required to publish on their website regulatory and complaint related information. Should you engage our services, and not be content, then you are entitled to raise a complaint with the firm pursuant to our complaints handling policy, and ultimately (if you are not content with the final response) to the legal

ombudsman. Please note that a complaint cannot be made to the legal ombudsman until the firm's internal process has been utilised, and a complaint can only be made by a client.

All our matters are conducted by fully qualified solicitors, whose details are available in the Meet The People Section, which also details the areas of law in which they practice.

One of the potential difficulties that arises from the Transparency Rules is that solicitors are asked to set out the relevant key stages in respect of the type of matter we are instructed in. This is difficult because very rarely are matters similar, and the key stages vary as to the precise type of case or transaction.

All we are able to state below are a range of costs as between very simple matters, and complex cases. It is likely that should you wish to engage our services, your matter will likely be somewhere in between, and accordingly, we will ensure that at the outset we obtain the relevant information from you, and thereafter provide a more bespoke analysis of the key stages to your transaction or matter, an estimate of costs (based upon the information made aware to us, but please note that these may change should the matter become more complex), and disbursements that may be required. As further information or detail becomes known to us throughout the life of the matter, those initial estimates and details of stages, etc., will be updated.

With regards to the remaining information required by the Transparency Rules:-

Residential Conveyancing:-

Our Residential Conveyancing Department is headed by the Senior Partner, Mr Robert Marchant, who has been a qualified solicitor for more than 30 years. Also within the department are Mrs Anne McCallum who has been admitted as a solicitor since 1979, Mr Rennie Chambers who was admitted in 2009 and Mr Glen Webb, who was admitted in 2016. Mr Chambers and Mrs McCallum are also Partners within the firm.

Fees for non-complex transactions are usually dealt with by way of a fixed fee, although these fees may increase, with your knowledge and agreement, should any complex issues arise.

For more complex matters our fees are charged on a time spent basis, with hourly rates ranging from £225.00 plus VAT per hour to £295.00 plus VAT per hour.

It is unfortunately not possible to state, for complex matters, what the range of costs will be within this note, because the time required is dependent upon the specific

complexity. Once details of your transaction are known to us, we will be able to discuss with you a more detailed estimate of costs and timings.

No property is exactly the same, as our fees will reflect the particular requirements of your sale or purchase. For example, dealing with a listed building may, because of the added complexities, cost more than dealing with a new freehold property. There may also be added difficulties if the property is a leasehold property rather than a freehold property.

Because of this, we cannot give you a reliable estimate of the cost of us helping you until we have details of your intended transaction.

What we can advise is that for a simple transaction of around £250,000.00 our fees will be in the region of £1,250.00 plus VAT. A complex matter with, for example, listed building issues, the costs will be much higher, and could be between £5,000.00 and £10,000.00 plus VAT.

Of course, if one of our cases does have unexpected complications, we always inform you of that as soon as practicable, and would fully discuss the potential consequences of that before any extra charges were incurred.

As to timescales, for a “simple” transaction could take as little as 4 to 6 weeks dependent usually on third parties reverting promptly and dealing with any issues that arise. For more complex matters, the timescale from inception to completion could be 6 to 9 months.

Once the fully details of your transaction are known, then we would be able to state more accurately how long we anticipate the transaction will take, on the basis that matters outside of our control are dealt with swiftly. Of course, as with the costs, should matters become more complex or protracted, then we would advise you.

In addition to the fees of our firm, disbursements will also be incurred for search fees, land registry charges and stamp duty taxes for a purchase. There will also potentially be agent’s fees, although it is likely that these will be made by you prior to our firm’s instruction.

Once we have discussed with you the specific details of your transaction, we will be able to give a more detailed estimate of fees.

Probate:-

Probate matters are dealt with by Mrs Vanessa Schomberg and Mrs Greer Pratley, both of whom are Partners within the firm. Mrs Schomberg has more than 17 years post-qualified experience, in addition to more than 20 years experience specialist

experience prior to being admitted as a solicitor. Mrs Pratley has been a practising solicitor for more than 6 years.

Our fees for works undertaken in this area are charged at the normal hourly rate for the Partner with conduct, ranging from £260.00 plus VAT per hour to £295.00 plus VAT per hour.

With no two Estates being the same, it is not possible to set out within this note an estimate of costs for a “normal” matter, as there is no such thing.

What we can say is that for a simple matter, with a valid will, no more than one property, no more than two bank accounts and few beneficiaries (and there being no dispute as between the beneficiaries) that the matter will take between 5 and 10 hours at the hourly rates set out above. This would include obtaining the grant, collecting the assets and then distributing the same.

In addition to the firm’s fees disbursements would be required in respect of the Probate Application fee, swearing oaths, bankruptcy searches, advertisements required in the London Gazette and other publications. The costs of these are dependent also on the size of the Estate, so we would need to discuss these with you once the details of the Estate are known.

As to timescales, on the above example we would estimate, subject to third parties reverting promptly, that it will take between 6 and 12 months from instruction to distribution. If matters became more complex, or third parties were not reverting promptly, then this estimate would increase.

As stated, the above example is a rare simple matter. There may be added complexities such as, non-exhaustively, a number of properties being involved, the size of the Estate, multiple bank accounts, foreign accounts or properties, multiple beneficiaries, disputes between the beneficiaries or claims against the estate, dealing with charities, or inheritance tax issues such as business property relief or agricultural property relief.

In such circumstances the time it will take to resolve matters will increase greatly, as will the costs required. The time and costs are directly relative to the complexity and size of the estate.

Accordingly, we will discuss with you in detail the potential issues at the outset of the matter, and once the potential issues are known a fee estimate and time estimate specific to your case will be provided. In the event that matters become more complex through the life of the matter, then we would revert to you advising of the additional complexities, providing an update on costs and timings.

Employment Tribunal Claims:-

Employment Tribunal Cases (in relation to unfair dismissal claims and wrongful dismissal claims) will primarily be dealt with by Mr Paul Gardener, who at times may be assisted by Mr Richard Satyanadhan. Both Paul and Richard and Partners within the firm. Paul qualified in 2001, although he has been working in law for more than 30 years, recently qualifying as a Solicitor-Advocate for Civil Matters, and Richard qualified in 2003 having been with the firm since 1995. Richard also recently qualified as a Costs Lawyer.

Where an employment claim is for wrongful dismissal and is in excess of £25,000.00, it is not dealt with in the Employment Tribunal, but the Court, and as such is not dealt with within this note.

As an initial point, potential clients should be aware that save for a small number of cases brought in the Employment Tribunal, costs are irrecoverable from the losing party, and all costs incurred, together with any required disbursements, will be borne by you.

We only conduct these types of cases on a private client basis, and not on any form of conditional fee basis. Our hourly rates range from £225.00 plus VAT per hour to £295.00 per hour, although we may be able to offer a reduced hourly rate dependent upon the circumstances of the case.

The costs incurred range greatly dependent upon the complexity of the Employment Claim, whether any defences are entered, counterclaims made, how many witnesses will be giving evidence for each party, etc.

As a general rule the timeline is that paperwork is submitted to ACAS, and if the parties are unable to agree terms of settlement a Claim is submitted, and then a Defence then filed. Witness Statements and relevant documentation is then exchanged (disclosure), following which there will be a hearing. There will ordinarily also be a preliminary hearing following the filing of the defence to set the timetable for the procedure.

A simple claim with only the relevant parties giving evidence will cost between £5,000.00 plus VAT and £10,000.00 plus VAT, together with the costs of a barrister to appear on your behalf at any final hearing.

With regards to the fees of a barrister to represent you at a hearing, these can range from £500.00 plus VAT for a recently qualified barrister at a short hearing, to £25,000.00 plus VAT per day for a Queen's Counsel to represent you at a multi-day hearing. We will of course discuss with you what level of representation is required, with the most beneficial costs expense.

For a more complex claim, with multiple witnesses for each party, a multi-day hearing on a complex disputed area of law, and potential expert witnesses, the costs could be £100,000.00 plus VAT and disbursements, however the majority of cases are far less than this figure, and a large number of matters will settle before getting to a hearing stage.

We are aware that the information set out above is only an example of the potential fees, but no two cases are exactly the same, and we will ensure that following your instruction of the firm, and once the relevant details are made aware to us, that a more bespoke quotation and estimate of timescales, necessary steps, etc., are provided. These will be updated as the case progresses, and more information becomes available.

Business Debt Recovery:-

These cases will be undertaken by Mr Paul Gardener and Mr Richard Satyanadhan, both of whom are Partners within the firm. Paul qualified in 2001, although he has been working in law for more than 30 years, recently qualifying as a Solicitor-Advocate for Civil Matters, and Richard qualified in 2003 having been with the firm since 1995. Richard also recently qualified as a Costs Lawyer.

We only conduct these types of cases on a private client basis, and not on any form of conditional fee basis. Our hourly rates range from £225.00 plus VAT per hour to £295.00 per hour, although we may be able to offer a reduced hourly rate dependent upon the circumstances of the case.

As a general rule of thumb, cases are charged on a time spent basis. Unfortunately it is not possible to set out in this note a guideline cost or timescale, as it is wholly dependent upon the specific circumstances.

By way of example, our firm was instructed in relation to a landlord & tenant dispute for which only an initial letter was anticipated, which concluded, successfully for our client, after a Judgment from the Court of Appeal.

Should you wish to engage our services, we will consider the circumstances specific to your dispute, and provide a more bespoke estimate of time and costs.

Cases transform throughout the life of the litigation, with defences entered, potential counterclaims, etc., to which end we will continue to keep you updated should the initial estimated costs or timings change by reason of circumstance.

Where a claim becomes more complex, with potential counterclaims, or the need for specialist experts, the costs become very much higher, often outweighing the sums in

dispute. We will discuss with you at each stage the costs benefit to proceeding with the claim (or defending the claim if one is made against you).

As a firm we have taken the position that we provide a staged breakdown of costs as each stage occurs. For the first stage, this will be to meet with you, obtain the relevant information, and discuss potential issues that may arise. We would estimate between 2 and 4 hours for this, and will agree a fee should you wish to engage our services.

Once we have had that meeting, and analysed the information and documentation, we will provide to you within our retainer documentation an estimate of costs for the case, but also a staged estimate for the next steps required in your case.

Potential clients should also be aware that where claims are made of less than £10,000.00, costs will generally not be recoverable from a losing party, and that for claims in excess of this sum, there will be a recovery of costs of between 30% and 50% of the costs incurred.

With regards to the fees of a barrister to represent you at a hearing, these can range from £500.00 plus VAT for a recently qualified barrister at a short hearing, to £25,000.00 plus VAT per day for a Queen's Counsel to represent you at a multi-day hearing. We will of course discuss with you what level of representation is required, with the most beneficial costs expense.

In relation to Court fees, we would refer you to the Court Service information setting out the fees, which range from £50.00 for a claim up to £500.00 (inclusive of interest), to £5,000.00 for a claim of £100,000.00. Access to the Court fees can be obtained [here](#).

As to usual steps within a debt recovery claim, the process is normally for a letter before action to be sent, and if no response proceedings prepared and issued. A defence may then be filed, in which circumstances the Court require further information so as to enable directions, or a timetable, to be given in respect of the proceedings. Costs Budgets may also be required to be completed where the claim is for more than £25,000.00. The next stage is usually for disclosure, or the exchange of all relevant information and documentation, followed by witness statements being exchanged. There will then be a final hearing, the length of which is dependent upon the complexity of the claim, the level of damages being sought, how many witnesses there are, and whether expert evidence is required.

For a simple claim the time is generally 9 months from start to finish, but these are rare, and the claim could be anything up to 2 years before a final hearing, dependent also upon the availability of the Courts.

For technical claims there may be the necessity of expert evidence and reports to be obtained and exchanged. It is not possible to estimate costs for experts, without first knowing what type of expert is required, how long they are needed for, the complexity of the report, whether they need to have discussions with an opposing expert, and if they are required at any final hearing. By way of example only, a report for a simple road traffic accident is around £216.00 inclusive of VAT, but a medical expert of high seniority in a specialised expertise in a disputed claim, the costs could be £50,000.00 if it includes such things as reports, tests, conferences, experts meetings and reports, attendance at any final hearing, etc. Costs of this magnitude are extremely rare.

There is also a requirement upon the parties to explore Alternative Dispute Resolution, which can take the form of a settlement meeting, round table discussion or a formal mediation / arbitration. Dependent upon the type of claim there are sometimes requirements within commercial agreements as to which can be utilised, and these will be discussed with you once the details of your matter are known.

We are aware that the information set out above is only an example of the potential fees, but no two cases are exactly the same, and we will ensure that following your instruction of the firm, and once the relevant details are made aware to us, that a more bespoke quotation and estimate of timescales, necessary steps, etc., are provided. These will be updated as the case progresses, and more information becomes available.