

**NOTICE OF DETERMINATION BY THE SECRETARY OF STATE FOR THE HOME
DEPARTMENT TO THE CHAIR OF THE JERMAINE BAKER INQUIRY UNDER
SECTION 40(4) OF THE INQUIRIES ACT 2005**

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 Chair of the Jermaine Baker 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:

(i) The Chair 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.

(ii) Any award must 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.

(iii) An award shall be made only in respect of legal work undertaken by an applicant's legal representative whom the Chair 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.

(iv) 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 Chair 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.

(v) Any award must 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 Chair 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.

(vi) An inquiry under the 2005 Act is inquisitorial in nature and investigative work or work in relation to obtaining expert reports will not be paid for from public funds unless the Chair gives express written permission in advance for such work to be carried out.

(vii) 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 save that, exceptionally, the Solicitor to the Inquiry may authorise an increase to the maximum of 60 hours during the oral hearings and a specified period not exceeding 6 weeks prior to such hearings where he is satisfied that such increase 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.(i) The Chair shall only make an award to a person relating to compensation for loss of time (subject to paragraph 2.2) or the costs of legal representation in relation to the Inquiry where he considers it necessary, fair, reasonable and proportionate to make such an award, and that such an award is an appropriate use of public funds .

(ii) The Chair shall only make an award relating to compensation for loss of time where the person to be compensated would otherwise face actual financial loss, for example (but not limited to) receipt of monies related to that person's employment.

4. Where the Chair has determined that an award in respect of legal representations should be made, the hourly rates to be paid must not exceed-

(i) Senior Counsel (whether a member of the Bar or a solicitor advocate) - **£180 - £200**

(ii) Junior Counsel (whether a member of the Bar or a solicitor advocate) - **£100**

(iii) Solicitor with over 8 years post-qualification experience - **£150**

(iv) Solicitors and legal executives with over 4 years' experience - **£125**

(v) Other solicitors, legal executives and fee-earners of equivalent experience - **£100**

(vi) Trainee solicitors, paralegals and other fee-earners - **£75**

5. 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 specified at paragraph 4.

6. Expenditure incurred by an applicant in respect of legal representation before an award is made by the Chair 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.