

Notice of Determination by the Prime Minister to the Chairman of the Grenfell Tower Inquiry under section 40(4) of the Inquiries Act 2005

1. The Prime Minister has determined under section 40 (4) of the Inquiries Act 2005 (“the Act”) that the power of the Chairman of the Grenfell Tower Inquiry (“the Inquiry”) to award amounts in respect of legal representation under section 40 (1) and (2) of the Act to persons eligible for an award under section 40 (3) shall be subject to the qualifications and conditions set out below.

2. The qualifications and conditions are:

2.1 Given the exceptional nature and gravity of the Grenfell Tower tragedy and in particular its impact on the victims, survivors, the families of the victims and of the survivors and the local residents affected by the tragedy, the Prime Minister considers that it is overwhelmingly in the public interest that those applicants, otherwise eligible for an award under section 40(3) of the Act, are provided such funding by the government.

2.2 Accordingly, Rule 21 of the Inquiry Rules 2006 is qualified to the extent that the general criteria in Rule 21 (2) (a) of the Inquiry Rules (financial resources) is satisfied without further enquiry as to means on an application for an award for legal expenses by

- (a) The families of the victims of the Grenfell Tower tragedy
- (b) The survivors of the Grenfell Tower tragedy and their families;
- (c) Local residents affected by the Grenfell Tower tragedy;

that otherwise qualify for an award under section 40, the Inquiry Rules, this determination and any costs protocol issued by the Chairman.

2.3 The Chairman shall only make an award relating to a person’s costs of legal representation (which includes the legal costs of responding to the consultation on the Inquiry’s Terms of Reference) in relation to the Inquiry where he considers it necessary, fair, reasonable and proportionate to make an award.

2.4 An award shall be subject to the condition that payment will only be made for work that is properly evidenced and can be identified as having been done in an efficient and effective manner, avoiding unnecessary duplication and making the best use of public funds.

2.5 An award shall be made only in respect of legal work undertaken by an applicant’s legal representative whom the Chairman has designated under either Rule 6 or Rule 7 of the Inquiry Rules 2006 to be that person’s recognised legal representative in relation to the Inquiry.

2.6 The Chairman shall approve the size and composition of any legal team to be engaged by an applicant’s recognised legal representative including the number and seniority of counsel whose retention he agrees to be necessary.

2.7 In determining whether to make an award the Chairman shall specify the broad areas of work that are to be covered by the award and the hourly rates applicable to all members of the applicant's approved legal team subject to the maximum hourly rates specified at paragraph 3 below.

2.8 Having regard to the inquisitorial nature of the Inquiry, an award shall not be made in respect of investigative work undertaken by an applicant's recognised legal representative or in relation to obtaining an expert's report unless the Chairman has given his express written permission in advance for such work to be undertaken.

2.9 An award shall limit the maximum number of hours that can be charged by any member of an applicant's legal team to 40 hours per week save that exceptionally, the Solicitor to the Inquiry may authorise an increase to a maximum of 60 hours during the eight-week period immediately preceding the commencement of the oral hearings and during the oral hearings where she 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. The maximum hourly rates for legal work by the members of an applicant's legal team shall be:

Leading Counsel

Whether a member of the Bar or a Solicitor acting in the role of advocate - £220.00

Junior Counsel

Whether a member of the Bar or a Solicitor acting in the role of advocate - £120.00

Solicitors

Solicitors with over eight years post qualification experience - £175.00

Solicitors and legal executives with more than four years" experience - £150.00

Other solicitors legal executives and fee earners of equivalent experience - £125.00

Trainee solicitors, paralegals and other fee-earners - £100.00

4. The maximum hourly rates for travel and waiting time 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 3.

5. Expenditure incurred by an applicant in respect of legal representation before an award is made by a Chairman shall not be recoverable except where (and to the extent that) it has been

incurred with the prior agreement of the Solicitor to the Inquiry or where it is expenditure incurred in respect of responding to the consultation on the terms of reference prior to the setting up date.

Issued under the authority of the Prime Minister on the 22 August 2017.