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Our ref:
Your ref:
Date: 13th November 2019

Private and Confidential

Executive Council
The Castle
St Helena

Dear Honourable Members

Re: Fees chargeable by the Public Solicitors Office

Pursuant to s.30(2) Legal Aid, Assistance and Services Ordinance 2017 I write to consult regarding the fees chargeable by the Public Solicitors Office. At present there are a scale of fees chargeable to those on the island, I do not seek to amend these. There is however a maximum hourly rate of £75 applicable to expatriate workers, businesses and individuals and businesses off the island. I intend to amend this to a maximum of £150 per hour.

At present we are significantly reliant upon the SHG subsidy to fund the office, income from fees is limited. There have been situations recently where we have not been able to charge a market rate, for example when acting for a South African hospital funded by an insurance company the hourly rate is just £75 when it could be closer to £200. Those in other jurisdictions, especially the UK, are used to paying rates significantly higher than we can charge. In effect SHG is providing a subsidy to those well able to afford to pay higher rates than they currently do.

I would intend to set an hourly rate consistent with the standard of service provided and the market rate. For businesses on the island that rate would of course be significantly lower than that charged to overseas clients. It may at times be lower than the £75 we currently charge. Some businesses on the island are priced out of the ability to retain the Public Solicitors Office due to the inflexible nature of the fee structure in place.

I would be grateful for your views on this proposed change which, subject to any concerns you may raise and approval of the Chief Justice, I intend to bring into force on 1st January 2020.

Yours sincerely

Duncan Cooke
Public Solicitor

