

Schedule 1

Fees for Services

Fees for Services – Advice Matters

Fees for services Solicitors Panel - Parts 3, 4, 7, and 8 of the Assisted Decision Making Capacity Act 2015	Fee for Solicitor
<p>Advice fee in relation to the drafting and registration of a decision making assistance agreement, co-decision making agreement, enduring power of attorney or advanced healthcare directive</p> <p>Fee – to include taking instructions, drafting terms of agreement and registering the agreement with the Director of the Decision Support Service</p>	€500
<p>Non drafting independent legal advice service in to above instruments</p> <p>This fee shall be claimable by a solicitor in relation to giving independent legal advice in relation to the effect of a decision making assistance agreement, co-decision making agreement, enduring power of attorney or advanced healthcare directive. The purpose of this fee is to allow a solicitor to give advice to a third party (e.g. a decision making assistant/co-decision maker or a person who is to be appointed as such in relation to the instrument.</p>	€100
<p>The same solicitor may not claim both of the fees set out in this table with respect the same instrument.</p>	

Fees For Services – Part 5 applications

Fees for services Solicitors Panel – Part 5 of the Assisted Decision Making (Capacity) Act 2015 Circuit Court	Fee for Solicitor
<p>Capacity Application</p> <p>Case fee :- to cover all work carried out by him or her in regard to the case to include as appropriate, consultations, drafting proceedings (where required) and other court documents, interim/interlocutory applications and related court appearances preparatory work, settlement negotiations and/or court appearances incidental to and including the full hearing and inclusive of any payment to Counsel</p>	€3,300

<p>Uncontested Capacity Application</p> <p>Case fee :- applicable where there is no party opposing the reliefs sought by the Applicant in the Proceedings. To cover all work carried out by him or her in regard to the case to include as appropriate, consultations, drafting proceedings (where required) and other court documents, interim/interlocutory applications and related court appearances preparatory work, and/or court appearances incidental to and including the full hearing and inclusive of any payment to Counsel</p>	<p>€2,200</p>
<p>Scheduled/own-motion review of a declaration as to capacity</p> <p>Case fee :- to cover all work carried out by him or her in connection with the review including consultations and court appearances and inclusive of any payment to Counsel</p>	<p>€1,000</p>
<p>Application under Part 5 other than an application for a declaration as to capacity or a scheduled/own-motion review of such a declaration as to capacity.</p> <p>Case fee :- to cover all work carried out by him or her in regard to the case to include as appropriate, consultations, drafting proceedings (where required) and other court documents, preparatory work, settlement negotiations and/or court appearances incidental to and including the full hearing and inclusive of any payment to Counsel</p>	<p>€2,200</p>
<p>Unsuccessful ex-parte application for leave</p> <p>This fee is claimable in respect of an <i>ex-parte</i> application for leave where such is required and where the Court refuses to grant leave to make the application.</p> <p>Case fee: to cover all work carried out by him or her in regard to the case to include as appropriate, consultations, drafting proceedings (where required) and other court documents, and representation at the hearing of the application for leave.</p>	<p>€1,000</p>
<p>The services of Senior Counsel must be specifically authorised and payment will be per the relevant schedule in the Terms and Conditions of the Barristers Panel.</p> <p>The fees for an appeal to the High Court shall be the same as in first instance proceedings in the Circuit Court.</p>	

Fees For Services – Part 6 Capacity Review Applications

Fees for services Solicitors Panel – Part 6 of the Assisted Decision Making (Capacity) Act 2015	Fee for Solicitor
<p>Capacity Review Application</p> <p>Case fee :- to cover all work carried out by him or her in regard to the case to include as appropriate, consultations, drafting proceedings (where required) and other court documents, interim/interlocutory applications and related court appearances preparatory work, settlement negotiations and/or court appearances incidental to and including the full hearing and inclusive of any payment to Counsel</p> <p>High Court</p> <p>Circuit Court</p>	<p></p> <p>€5,835</p> <p>€3,300</p>
<p>Where the matter is deemed to be “uncontested” the following fees shall apply. A matter may be deemed to be uncontested where a ward or any other party does not oppose the reliefs sought by the Applicant</p> <p>High Court</p> <p>Circuit Court</p>	<p></p> <p>€3,950</p> <p>€2,200</p>
<p>Fees for reviews and any subsequent applications to the Circuit Court will be at the rates set out under Part 5 above.</p> <p>The services of Senior Counsel must be specifically authorised and payment will be per the relevant schedule in the Terms and Conditions of the Barristers Panel.</p> <p>Fees in relation to any appeal shall be the applicable fee in the court with first instance jurisdiction</p>	

Fees For Services – Other Matters

Fees for services Solicitors Panel – Assisted Decision Making (Capacity) Act 2015	Fee for Solicitor
<p>Application in relation to an advanced healthcare directive under Part 8 of the Assisted Decision Making (Capacity) Act 2015</p> <p>Case fee :- to cover all work carried out by him or her in regard to the case to include as appropriate, consultations, drafting proceedings (where required) and other court documents, preparatory work, settlement negotiations and/or court appearances incidental to and including the full hearing and inclusive of any payment to Counsel</p> <p>High Court</p> <p>Circuit Court</p>	<p>€5,835</p> <p>€3,300</p>
<p>Any other application under the Assisted Decision Making (Capacity) Act 2015 (e.g. application in connection with a complaint to the Director of the Decision Support Service)</p> <p>Case fee :- to cover all work carried out by him or her in regard to the case to include as appropriate, consultations, drafting proceedings (where required) and other court documents, preparatory work, settlement negotiations and/or court appearances incidental to and including the full hearing and inclusive of any payment to Counsel</p>	<p>€2,200</p>
<p>Unsuccessful <i>ex-parte</i> application for leave</p> <p>This fee is claimable in respect of an <i>ex-parte</i> application for leave where such is required and where the Court refuses to grant leave to make the application.</p> <p>Case fee: to cover all work carried out by him or her in regard to the case to include as appropriate, consultations, drafting proceedings (where required) and other court documents, and representation at the hearing of the application for leave.</p>	<p>€1,000</p>

Application to detain a person under the inherent jurisdiction of the High Court in a case where the subject of the application is a relevant person

Case fee :- to cover all work carried out by him or her in regard to the case to include as appropriate, consultations, drafting proceedings (where required) and other court documents, preparatory work, settlement negotiations and/or court appearances incidental to and including the full hearing **and inclusive of any payment to Counsel**

€5,835

Note: Legal aid in respect of such an application must be sought separately to any proceedings in respect of the 2015 Act. The Board will only refer such cases to the Solicitors Panel where such cases arise out and connected with proceedings under the 2015 Act.

Fees For Services – Discontinued/Withdrawn Proceedings

Fees for services Solicitors Panel – Assisted Decision Making (Capacity) Act 2015	Fee for Solicitor
Where proceedings are discontinued/withdrawn prior to a final order being made the following fees will apply (subject to the maximum fee that might otherwise be payable in relation to the matter):	
After instructions are taken but prior to issuing of proceedings or the filing of a replying affidavit ¹ , as appropriate	€500
After issuing of proceedings or the filing of a replying affidavit, as appropriate, but before the final hearing of the matter	€1,000
The fee above will be in addition to any advice fee that might be claimable in respect of any decision making assistance agreement or co-decision making agreement that is entered into by way of settlement of the proceedings.	
No fee will be payable if proceedings are discontinued/withdrawn before instructions are taken. In such circumstances the solicitor should inform the Board so that the Board may update its records accordingly.	

¹ The reference to a “replying affidavit” shall apply to the delivery/filing of any document that may be provided for by way of Rules of Court in relation to these proceedings that is either analogous to a Defence or otherwise required in order for a person other than the Applicant to be heard in relation to the proceedings.