

MENTAL HEALTH TRIBUNAL FOR SCOTLAND

FEES FOR MEDICAL REPORTS PROVIDED BY EXPERT WITNESSES

1. Introduction

The Mental Health Tribunal for Scotland (MHTS) has agreed the following scale of fees for the commissioning of medical reports from expert witnesses in relation to proceedings before the Tribunal and for reports commissioned by Curators *ad litem*.

Reports are required to provide an independent medical opinion on the welfare of patients who are subject to applications or references before the Tribunal.

Reports requested by the Tribunal should provide:

- a medical examination
 - as well as examining the patient, the psychiatrist should also obtain background information from relatives, hospital records, etc;
- a report and an opinion

2. Fees

The rate of payment must be agreed with the expert before he/she is instructed to commence work. The rates laid down in the attached Annex should be treated as a guide. MHTS has discretion to negotiate a higher or lower rate should exceptional circumstances arise.

3. Higher rate

In case of special complexity, a higher rate may be authorised by MHTS after negotiation with the claimant. This negotiation can take the form of a financial ceiling, e.g. a flat rate amount based on the anticipated amount of time the witness is employed. The matter **must be referred to MHTS** for approval **prior** to instructing the expert. Confirmation of the authorisation should be attached to the account when it is submitted to MHTS for payment.

4. Travel allowances

Expert witnesses can claim for the following:

- a) Rail – standard fare;
- b) Air travel is allowed only where the prior permission of MHTS has been obtained;
- c) Private car – where a private motor vehicle is used resulting in a substantial saving of time, an expert witness may be paid a motor mileage allowance at the standard rate. See attached Annex for motor mileage rates.

5. Subsistence

Day subsistence is not payable to expert witnesses, as this is provided for in their fees. However, if an expert witness is detained overnight, and this is not part of the agreed fee, an allowance is payable. See attached Annex for subsistence rate.

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6. Accounts

Accounts should conform to the rates shown in the attached Annex. However, an expert witness or Curator *ad litem* submitting an account to MHTS must certify that it is correct.

Accounts should be submitted to:

Mental Health Tribunal for Scotland
2nd Floor, Hamilton House
Hamilton Business Park
Caird Park
Hamilton
ML3 0QA

and should provide the following particulars:

- a) name of the patient and case reference number;
- b) dates/times of examinations/reports must be clearly detailed;
- c) signature from the expert or Curator *ad litem*.

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Annex

Expert witnesses

	Rate
Overnight Allowances	
Attendance overnight	£ 65.00
Attendance overnight staying with friends and relatives	£ 25.00
Mileage Allowances	
Motor mileage allowance	£ 0.28 per mile
Expert Witnesses	
Engaged not more than 1 hour	£ 82.00
Engaged more than 1 hour but not more than 4 hours	£ 164.00
Engaged more than 4 hours but not more than 6 hours	£ 246.00
Engaged more than 6 hours	£ 328.00