

CRIMINAL LEGAL AID: INTERPRETATION/TRANSLATION CLAIMS

This document sets out the conditions and good practice guidelines in relation to Interpretation/Translation Service Providers

This **IMPORTANT NOTICE** is being issued on foot of a change in the fee rates payable to interpretation and translation service providers, on behalf of the defence, under the criminal legal aid scheme. It also outlines important information in relation to the revised procedures in relation to the processing of claims in respect of translation and interpretation services.

All claims for payment must follow the procedures set out below:-

A solicitor who engages an interpretation company to assist in matters associated with the defence of their client is responsible for:-

- certifying that the service provider attended on the dates and times directed by the solicitor
- the accuracy of the hours and the amount claimed.

A claim for payment from an interpretation/translation company must be submitted **by the solicitor** to Financial Shared Services (FSS), Department of Justice & Equality, Deerpark Road, Killarney, Co. Kerry who will then process the claim and, as appropriate, make payment directly to the translation/interpretation provider.

A claim lodged directly by the interpretation/translation company **will not** be processed by FSS. Each application for payment must include the following;

- the original invoice from the interpretation/translation service provider – the invoice must include full details including name, address, taxpayer ID, bank account details
- a record of the dates and times of attendance provided by the service provider and certified as accurate by the solicitor assigned to the case
- a completed LA10 Form (including the Legal Aid Certificate Number) signed and stamped by the solicitor assigned to the case
- a copy of the Legal Aid Certificate.

Under no circumstances should a solicitor sign off on a claim in respect of a service provided by an interpretation/translation service to a client other than the client whom he/she represents.

The following sets out the maximum rates payable for interpretation or translation services:-

Payment for interpretation (including sign language) services will be made at the rate of:-

€40.00 for the first hour or part thereof

€20.00 per half hour thereafter

Mileage as applicable will be paid at 0.24c per km.

Payment for translation services will be made at the rate of:-

Translation of documents

€0.10c per word

Translation of book of evidence

€22.00 per page

Claims for payment must be submitted within 24 months from the date on which legal aid is granted. If the case continues for longer than 24 months the claim should be submitted within 24 months from the date on which the expenses have been incurred. Claims submitted after this deadline will not be paid.

Solicitors must retain evidence/proofs in relation to the claim for audit purposes.

Where costs for translation are in the range €5,000 to €10,000 solicitors must obtain at least THREE quotations for the provision of the service.

Good Practice

Where the Courts Service provides court interpreters it is of critical importance that the use of interpretation/translation companies engaged by the solicitor is limited to what is absolutely necessary in defence of the client. Solicitors should ensure that any invoices submitted refer only to the time during which the interpreter has acted on behalf of the defence. The Criminal Legal Aid Scheme does not cover interpretation/translation services provided for in the court as it is the subject of a separate contract arranged by the Courts Service.

An interpreter must have linguistic competence, a professional attitude, an understanding of the legal process and of his/her duties and must ensure impartiality and confidentiality. The fact that a person calls him/herself an interpreter does not necessarily mean that s/he has these qualities. How often has the interpreter spoken the language recently? Does s/he understand a particular dialect and slang words? The solicitor should bear this in mind when engaging the service.

The revised fees, conditions and good practice guidelines for translation and interpretation claims become operable on 1 October 2011.

