

Email Only

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Dear xxxxxxxx,

Request under the Freedom of Information Act 2000

I am writing regarding your email request for legal spend information, which was received in the department on 29 December 2011 and which I am dealing with under the terms of the Freedom of Information Act 2000.

I can confirm that we do hold this information. Each of the department's agencies is responsible of its own legal spend (i.e. distinct from the legal spend of the department's head office). For the purposes of the FOI Act however (and answering this request), the Department for Transport includes its seven executive agencies¹.

I turn now to your specific requests. Our records show as follows:

1) What is the total amount of money spent on legal fees by your department between January 1 and December 31 2011?

£10,948, 884.46. This figure includes VAT and disbursements. By "spent" I include sums actually paid, and sums which we are liable to pay. I am afraid that it would not possible for me to detail only those sums which have been actually paid without exceeding the £600 costs limit.

2) What was the largest amount spent on legal fees by your department to cover a single case in the same period?

£632,906.68 in a Highways Agency case: LT42356A (M60 Denton - Middleton). The figure is the sum the Highways Agency has paid to the Treasury Solicitor's Department (which is acting for the Agency in this case), and includes disbursements (including counsel's fees and other professional expert fees) and VAT.

The code "LT42356A" is the Treasury Solicitor's Department reference number.

¹ Driver and Vehicle Licensing Agency, Driving Standards Agency, Government Car and Despatch Agency, Highways Agency, Maritime and Coastguard Agency, Vehicle and Operators Services Agency, Vehicle Certification Agency

3) *What were the details of this case?*

The case concerns M60 motorway contract 3, relating to a section of motorway constructed between Middleton (Junction 19) and Denton (Junction 23) around the north east of Manchester that was opened in 2000. The Highways Agency is in dispute with a contractor who constructed the section concerned, and seeks damages for the costs of re-laying a substantial proportion of the bituminous layers on this section of motorway.

4) *How many cases in total did your department spend legal fees on?*

I am able to confirm that the Treasury Solicitor's Department issued invoices to the Department in 831 cases. There will be other cases where legal fees would have been incurred, where the Treasury Solicitor's Department is not acting for the Department. However, it is not possible for me to confirm those further numbers of cases without exceeding the £600 costs limit.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/04
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact xxxx in our press office on xdxxxxxx. Please remember to quote the reference number above in any future communications.

Yours sincerely,

xxxxxxxxxx

Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Section 12 exemption:

Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.