

1972 No. 1139 (L.14)
SOLICITORS
The Solicitors' Remuneration Order 1972

<i>Made</i>	- - -	<i>27th July 1972</i>
<i>Laid before Parliament</i>		<i>7th August 1972</i>
<i>Coming into Operation</i>		<i>1st January 1973</i>

We, Quintin McGarel, Baron Hailsham of Saint Marylebone, Lord High Chancellor of Great Britain, John Passmore, Baron Widgery, Lord Chief Justice of England, Alfred Thompson, Baron Denning, Master of the Rolls, Sir Desmond Heap, President of The Law Society and George Pownall Atkinson, Esquire, President of the Bristol Law Society (being the persons authorised by section 56 of the Solicitors Act 1957(a) to make general orders prescribing and regulating the remuneration of solicitors in respect of non-contentious business generally) and Theodore Burton Fox Ruoff, Esquire, C.B., C.B.E., Chief Land Registrar (being a person so authorised in respect of business under the Land Registration Act 1925(b)) do hereby make the following Order in exercise of the powers vested in us by the said section:—

1.—(1) This Order may be cited as the Solicitors' Remuneration Order 1972.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 1st January 1973 and shall apply to all business for which instructions are accepted on or after that date.

2. A solicitor's remuneration for non-contentious business (including business under the Land Registration Act 1925) shall be such sum as may be fair and reasonable having regard to all the circumstances of the case and in particular to—

- (i) the complexity of the matter or the difficulty or novelty of the questions raised;
- (ii) the skill, labour, specialised knowledge and responsibility involved;
- (iii) the time spent on the business;
- (iv) the number and importance of the documents prepared or perused, without regard to length;
- (v) the place where and the circumstances in which the business or any part thereof is transacted;
- (vi) the amount or value of any money or property involved;
- (vii) whether any land involved is registered land within the meaning of the Land Registration Act 1925; and
- (viii) the importance of the matter to the client.

(a) 1957 c. 27.

(b) 1925 c. 21.

(c) 1889 c. 63.

3.—(1) Without prejudice to the provisions of sections 69, 70 and 71 of the Solicitors Act 1957 (which relate to taxation of costs) the client may require the solicitor to obtain a certificate from The Law Society stating that in their opinion the sum charged is fair and reasonable or, as the case may be, what other sum would be fair and reasonable, and in the absence of taxation the sum stated in the certificate, if less than that charged, shall be the sum payable by the client.

(2) Before the solicitor brings proceedings to recover costs on a bill for non-contentious business he must, unless the costs have been taxed, have informed the client in writing—

- (i) of his right under paragraph (1) of this article to require the solicitor to obtain a certificate from The Law Society, and
- (ii) of the provisions of the Solicitors Act 1957 relating to taxation of costs.

(3) The client shall not be entitled to require the solicitor to obtain a certificate from The Law Society under paragraph (1) of this article—

- (i) after the expiry of one month from the date on which the client was given the information required by paragraph (2) of this article;
- (ii) after a bill has been delivered and paid; or
- (iii) after the High Court has ordered the bill to be taxed.

4.—(1) On the taxation of any bill delivered under this Order it shall be the duty of the solicitor to satisfy the taxing officer as to the fairness and reasonableness of the sum charged.

(2) If the taxing officer allows less than one half of the sum charged, he shall bring the facts of the case to the attention of The Law Society.

5.—(1) After the expiry of one month from the delivery of any bill for non-contentious business a solicitor may charge interest on the amount of the bill (including any disbursements) at a rate not exceeding the rate for the time being payable on judgment debts, so, however, that before interest may be charged the client must have been given the information required by article 3(2) of this Order.

(2) If an application is made for the bill to be taxed or the solicitor is required to obtain a certificate from The Law Society, interest shall be calculated by reference to the amount finally ascertained.

6. A solicitor may take from his client security for the payment of any remuneration, including the amount of any interest to which the solicitor may become entitled under article 5 of this Order.

7. The Orders specified in the schedule hereto are hereby revoked except in their application to business for which instructions are accepted before this Order comes into operation.

Dated 27th July 1972.

*Hailsham of St. Marylebone, C.
Widgery, C. J.
Denning, M. R.
Desmond Heap.
G. P. Atkinson.
Theodore B. F. Ruoff.*

SCHEDULE

Article 7

ORDERS REVOKED

<i>Title</i>	<i>Reference</i>
Solicitors' Remuneration Order 1883	Rev. XXI, p.205
Solicitors' Remuneration Act General Order 1925	S. R. & O. 1925/755 (Rev. XXI, p.213: 1925, p.1440)
Solicitors' Remuneration (Registered Land) Order 1925	S. R. & O. 1926/2 (Rev. XXI, p.221: 1926, p.1224)
Solicitors' Remuneration Order 1936	S. R. & O. 1936/326 (Rev. XXI, p.215: 1936 II, p.2512)
Solicitors' Remuneration (Registered Land) Order 1936	S. R. & O. 1936/327 (1936 II, p.2513)
Solicitors' Remuneration Order 1944	S. R. & O. 1944/203 (Rev. XXI, p.217: 1944 I, p.915)
Solicitors' Remuneration Order 1953	S.I. 1953/117 (1953 II, p.1946)
Solicitors' Remuneration (Registered Land) Order 1953	S.I. 1953/118 (1953 II, p.1951)
Solicitors' Remuneration Order 1970	S.I. 1970/2021 (1970 III, p.6591)
Solicitors' Remuneration (Registered Land) Order 1970	S.I. 1970/2022 (1970 III, p.6595)

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides that in place of the scale charges prescribed by the Remuneration Orders listed in the schedule solicitors may charge for non-contentious business such sum as may be fair and reasonable in all the circumstances, having regard in particular to the considerations mentioned in article 2. Without prejudice to his right to have a bill taxed by the court, a client may, if he wishes, apply to The Law Society for a certificate stating whether in their opinion the sum charged by the solicitor is fair and reasonable or, as the case may be, what other sum would be fair and reasonable: the latter, if less than the sum charged, will, in the absence of taxation, be the sum payable by the client.

The Order applies to business for which instructions are accepted on or after the 1st January 1973.

SI 1972/1139
ISBN 0-11-021139-1

