



Solicitors Act 1974

1974 CHAPTER 47

PART III

REMUNERATION OF SOLICITORS

Remuneration—general

70 Taxation on application of party chargeable or solicitor

- (1) Where before the expiration of one month from the delivery of a solicitor's bill an application is made by the party chargeable with the bill, the High Court shall, without requiring any sum to be paid into court, order that the bill be taxed and that no action be commenced on the bill until the taxation is completed.
- (2) Where no such application is made before the expiration of the period mentioned in subsection (1), then, on an application being made by the solicitor or, subject to subsections (3) and (4), by the party chargeable with the bill, the court may on such terms, if any, as it thinks fit (not being terms as to the costs of the taxation), order—
 - (a) that the bill be taxed ; and
 - (b) that no action be commenced on the bill, and that any action already commenced be stayed, until the taxation is completed.
- (3) Where an application under subsection (2) is made by the party chargeable with the bill—
 - (a) after the expiration of 12 months from the delivery of the bill, or
 - (b) after a judgment has been obtained for the recovery of the costs covered by the bill, or
 - (c) after the bill has been paid, but before the expiration of 12 months from the payment of the bill,

no order shall be made except in special circumstances and, if an order is made, it may contain such terms as regards the costs of the taxation as the court may think fit.

Status: This is the original version (as it was originally enacted).

- (4) The power to order taxation conferred by subsection (2) shall not be exercisable on an application made by the party chargeable with the bill after the expiration of 12 months from the payment of the bill.
- (5) An order for the taxation of a bill made on an application under this section by the party chargeable with the bill shall, if he so requests, be an order for the taxation of the profit costs covered by the bill.
- (6) Subject to subsection (5), the court may under this section order the taxation of all the costs, or of the profit costs, or of the costs other than profit costs and, where part of the costs is not to be taxed, may allow an action to be commenced or to be continued for that part of the costs.
- (7) Every order for the taxation of a bill shall require the taxing officer to tax not only the bill but also the costs of the taxation and to certify what is due to or by the solicitor in respect of the bill and in respect of the costs of the taxation.
- (8) If after due notice of any taxation either party to it fails to attend, the officer may proceed with the taxation *ex parte*.
- (9) Unless—
 - (a) the order for taxation was made on the application of the solicitor and the party chargeable does not attend the taxation, or
 - (b) the order for taxation or an order under subsection (10) otherwise provides, the costs of a taxation shall be paid according to the event of the taxation, that is to say, if one-fifth of the amount of the bill is taxed off, the solicitor shall pay the costs, but otherwise the party chargeable shall pay the costs.
- (10) The taxing officer may certify to the court any special circumstances relating to a bill or to the taxation of a bill, and the court may make such order as respects the costs of the taxation as it may think fit.
- (11) Subsection (9) shall have effect in any case where the application for an order for taxation was made before the passing of the Solicitors (Amendment) Act 1974 and—
 - (a) the bill is a bill for contentious business, or
 - (b) more than half of the amount of the bill before taxation consists of costs for which a scale charge is provided by an order for the time being in operation under section 56,as if for the reference to one-fifth of the amount of the bill there were substituted a reference to one-sixth of that amount.
- (12) In this section " profit costs " means costs other than counsel's fees or costs paid or payable in the discharge of a liability incurred by the solicitor on behalf of the party chargeable, and the reference in subsection (9) to the fraction of the amount of the bill taxed off shall be taken, where the taxation concerns only part of the costs covered by the bill, as a reference to that fraction of the amount of those costs which is being taxed.