

Status: Point in time view as at 28/04/2022.

Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Paragraph 64. (See end of Document for details)

SCHEDULES

SCHEDULE 16

THE LAW SOCIETY, SOLICITORS, RECOGNISED BODIES AND FOREIGN LAWYERS

PART 1

THE SOLICITORS ACT 1974 (C. 47)

- 64 (1) Section 69 (action to recover solicitor's costs) is amended as follows.
- (2) In subsection (1) for “taxed” substitute “ assessed ”.
- (3) For subsection (2) substitute—
- “ (2) The requirements referred to in subsection (1) are that the bill must be—
- (a) signed in accordance with subsection (2A), and
 - (b) delivered in accordance with subsection (2C).
- (2A) A bill is signed in accordance with this subsection if it is—
- (a) signed by the solicitor or on his behalf by an employee of the solicitor authorised by him to sign, or
 - (b) enclosed in, or accompanied by, a letter which is signed as mentioned in paragraph (a) and refers to the bill.
- (2B) For the purposes of subsection (2A) the signature may be an electronic signature.
- (2C) A bill is delivered in accordance with this subsection if—
- (a) it is delivered to the party to be charged with the bill personally,
 - (b) it is delivered to that party by being sent to him by post to, or left for him at, his place of business, dwelling-house or last known place of abode, or
 - (c) it is delivered to that party—
 - (i) by means of an electronic communications network, or
 - (ii) by other means but in a form that nevertheless requires the use of apparatus by the recipient to render it intelligible, and that party has indicated to the person making the delivery his willingness to accept delivery of a bill sent in the form and manner used.
- (2D) An indication to any person for the purposes of subsection (2C)(c)—
- (a) must state the address to be used and must be accompanied by such other information as that person requires for the making of the delivery;
 - (b) may be modified or withdrawn at any time by a notice given to that person.

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- (2E) Where a bill is proved to have been delivered in compliance with the requirements of subsections (2A) and (2C), it is not necessary in the first instance for the solicitor to prove the contents of the bill and it is to be presumed, until the contrary is shown, to be a bill bona fide complying with this Act.
- (2F) A bill which is delivered as mentioned in subsection (2C)(c) is to be treated as having been delivered on the first working day after the day on which it was sent (unless the contrary is proved).”
- (4) At the end insert—
- “(5) In this section references to an electronic signature are to be read in accordance with section 7(2) of the Electronic Communications Act 2000 (c. 7).
- (6) In this section—
- “electronic communications network” has the same meaning as in the Communications Act 2003 (c. 21);
- “working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 (c. 80).”

Commencement Information

- II** Sch. 16 para. 64(1)(3)(4) in force at 7.3.2008 by [S.I. 2008/222](#), [art. 2\(j\)\(i\)](#); Sch. 16 para. 64(2) in force at 1.1.2010 by [S.I. 2009/3250](#), [art. 2\(f\)\(ii\)](#) (with [art. 9](#))

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