



# Solicitors Act 1974

## 1974 CHAPTER 47

### PART III **E+W**

#### REMUNERATION OF SOLICITORS

##### *Remuneration—general*

#### 67 Inclusion of disbursements in bill of costs. **E+W**

A solicitor's bill of costs may include costs payable in discharge of a liability properly incurred by him on behalf of the party to be charged with the bill (including counsel's fees) notwithstanding that those costs have not been paid before the delivery of the bill to that party; but those costs—

- (a) shall be described in the bill as not then paid; and
- (b) if the bill is [<sup>F1</sup>assessed], shall not be allowed by the [<sup>F2</sup>costs officer] unless they are paid before the [<sup>F3</sup>assessment] is completed.

#### Textual Amendments

- F1** Word in s. 67(b) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 63\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(f\)\(ii\)](#) (with art. 9)
- F2** Words in s. 67(b) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 63\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(f\)\(ii\)](#) (with art. 9)
- F3** Word in s. 67(b) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 63\(c\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(f\)\(ii\)](#) (with art. 9)

#### Modifications etc. (not altering text)

- C1** S. 67 extended (1.1.1992) by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 9, [Sch. 2 para. 22\(2\)](#); S.I. 1991/2683, [art. 2](#)
- S. 67 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), [Sch. 4 para. 7\(2\)](#)
- C2** Ss. 64-67 applied (with modifications) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), art. 1(2), Sch. 1 paras. 1, 3, 5

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*Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Remuneration—general. (See end of Document for details)*

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## 68 Power of court to order solicitor to deliver bill, etc. **E+W**

- (1) The jurisdiction of the High Court to make orders for the delivery by a solicitor of a bill of costs, and for the delivery up of, or otherwise in relation to, any documents in his possession, custody or power, is hereby declared to extend to cases in which no business has been done by him in the High Court.
- (2) [<sup>F4</sup>The county court][<sup>F5</sup>and the family court each] have the same jurisdiction as the High Court to make orders making such provision as is mentioned in subsection (1) in cases where the bill of costs or the documents relate wholly or partly to contentious business done by the solicitor in [<sup>F6</sup>the county] court [<sup>F7</sup>or (as the case may be) the family court].
- (3) In this section and in sections 69 to 71 “solicitor” includes the executors, administrators and assignees of a solicitor.

### Textual Amendments

- F4** Words in s. 68(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F5** Words in s. 68(2) substituted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) Order 2014 \(S.I. 2014/605\)](#), arts. 1, [12\(a\)](#)
- F6** Words in s. 68(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 130\(b\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F7** Words in s. 68(2) inserted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) Order 2014 \(S.I. 2014/605\)](#), arts. 1, [12\(b\)](#)

### Modifications etc. (not altering text)

- C3** S. 68 extended (with modifications) (1.7.2009) by [The Registered Foreign Lawyers Order 2009 \(S.I. 2009/1589\)](#), [art. 3\(2\)\(n\)](#), [Sch.](#)
- C4** S. 68 extended (22.5.2000) by [S.I. 2000/1119](#), regs. 1, 37(3), [Sch. 4 para. 7\(2\)](#)

## 69 Action to recover solicitor’s costs. **E+W**

- (1) Subject to the provisions of this Act, no action shall be brought to recover any costs due to a solicitor before the expiration of one month from the date on which a bill of those costs is delivered in accordance with the requirements mentioned in subsection (2); but if there is probable cause for believing that the party chargeable with the costs—
  - (a) is about to quit England and Wales, to become bankrupt or to compound with his creditors, or
  - (b) is about to do any other act which would tend to prevent or delay the solicitor obtaining payment,
 the High Court may, notwithstanding that one month has not expired from the delivery of the bill, order that the solicitor be at liberty to commence an action to recover his costs and may order that those costs be [<sup>F8</sup>assessed].
- [<sup>F9</sup>(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).

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**Changes to legislation:** There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Remuneration—general. (See end of Document for details)

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- (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.

(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).]

- (3) Where a bill of costs relates wholly or partly to contentious business done in [<sup>F10</sup>the county court] and the amount of the bill does not exceed [<sup>F11</sup>£5,000], the powers and duties of the High Court under this section and sections 70 and 71 in relation to that bill may be exercised and performed by [<sup>F12</sup>the county court].

<sup>F13</sup>(4) . . . . .

[<sup>F14</sup>(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). ]

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### Textual Amendments

- F8** Word in s. 69(1) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 64\(2\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(f\)\(ii\)](#) (with art. 9)
- F9** S. 69(2)-(2F) substituted (7.3.2008) for s. 69(2) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 64\(3\)](#) (with ss. 29, 192, 193); S.I. 2008/222, [art. 2\(j\)\(i\)](#)
- F10** Words in s. 69(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); S.I. 2014/954, [art. 2\(c\)](#) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F11** Words in s. 69(3) substituted by S.I. 1991/724, [art. 2\(8\)](#), [Schedule Part I](#)
- F12** Words in s. 69(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 130\(c\)](#); S.I. 2014/954, [art. 2\(c\)](#) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F13** S. 69(4) omitted by S.I. 1991/724, [art. 2\(8\)](#), [Schedule Part I](#)
- F14** S. 69(5)(6) inserted (7.3.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 64\(4\)](#) (with ss. 29, 192, 193); S.I. 2008/222, [art. 2\(j\)\(i\)](#)

### Modifications etc. (not altering text)

- C5** Ss. 69-71 extended by S.I. 1991/724, [art. 2\(7\)](#)  
S. 69 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), [Sch. 4 para. 7\(2\)](#)
- C6** S. 69 modified (temp.) (31.3.2009) [Legal Services Act 2007 \(c. 29\)](#), ss. 209, 211, [Sch. 22 para. 14](#) (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(e\)](#)
- C7** S. 69 applied (with modifications) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), art. 1(2), Sch. 1 paras. 1, 3, 7
- C8** S. 69(1) extended (1.1.1992) by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 9, [Sch. 2 para. 22\(2\)](#); S.I. 1991/2683, [art. 2](#)
- C9** S. 69(2A) applied (with modifications) by [Administration of Justice Act 1985 \(c. 61\)](#), Sch. 2 para. 29(1) (as substituted (7.3.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 115](#) (with ss. 29, 192, 193)); S.I. 2008/222, [art. 2\(j\)\(ii\)](#)
- C10** S. 69(2E) applied (with modifications) by [Administration of Justice Act 1985 \(c. 61\)](#), Sch. 2 para. 29(2) (as substituted (7.3.2008) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 115](#) (with ss. 29, 192, 193)); S.I. 2008/222, [art. 2\(j\)\(ii\)](#)

## 70 [F15 Assessment] on application of party chargeable or solicitor. **E+W**

- (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 [F16 assessed] and that no action be commenced on the bill until the [F17 assessment] 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 [F18 assessment]), order—
  - (a) that the bill be [F19 assessed]; and
  - (b) that no action be commenced on the bill, and that any action already commenced be stayed, until the [F18 assessment] 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

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- (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 [F<sup>20</sup>assessment] as the court may think fit.

- (4) The power to order [F<sup>20</sup>assessment] 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 [F<sup>20</sup>assessment] 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 [F<sup>20</sup>assessment] of the profit costs covered by the bill.
- (6) Subject to subsection (5), the court may under this section order the [F<sup>21</sup>assessment] 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 [F<sup>22</sup>assessed], may allow an action to be commenced or to be continued for that part of the costs.
- (7) Every order for the [F<sup>23</sup>assessment] of a bill shall require the [F<sup>24</sup>costs officer] to [F<sup>25</sup>assess] not only the bill but also the costs of the [F<sup>23</sup>assessment] 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 [F<sup>26</sup>assessment] either party to it fails to attend, the officer may proceed with the [F<sup>26</sup>assessment] ex parte.
- (9) Unless—
  - (a) the order [F<sup>27</sup>for assessment] was made on the application of the solicitor and the party chargeable does not attend [F<sup>28</sup>the assessment] , or
  - (b) the order [F<sup>27</sup>for assessment] or an order under subsection (10) otherwise provides,the costs of [F<sup>29</sup>an assessment] shall be paid according to the event of [F<sup>28</sup>the assessment] , that is to say, if [F<sup>30</sup>the amount of the bill is reduced by one fifth], the solicitor shall pay the costs, but otherwise the party chargeable shall pay the costs.
- (10) The [F<sup>31</sup>costs officer] may certify to the court any special circumstances relating to a bill or to the [F<sup>32</sup>assessment] of a bill, and the court may make such order as respects the costs of the [F<sup>32</sup>assessment] as it may think fit.
- (11) F<sup>33</sup> .....
- (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 [F<sup>34</sup>of the reduction in the bill] shall be taken, where the [F<sup>35</sup>assessment] 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 [F<sup>36</sup>assessed].

**Textual Amendments**

**F15** S. 70: word in section heading substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, [Sch. 16 para. 65\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(f\)\(ii\)](#) (with art. 9)

*Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Remuneration—general. (See end of Document for details)*

- F16** Word in s. 70(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(b)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F17** Word in s. 70(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(b)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F18** Word in s. 70(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(c)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F19** Word in s. 70(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(c)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F20** Words in s. 70(3)-(5) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(d)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F21** Word in s. 70(6) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(e)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F22** Word in s. 70(6) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(e)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F23** Word in s. 70(7) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(f)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F24** Words in s. 70(7) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(f)(ii)** (with ss. 29, 192, 193)
- F25** Word in s. 70(7) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(f)(iii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F26** Words in s. 70(8) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(g)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F27** Words in s. 70(9) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(h)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F28** Words in s. 70(9) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(h)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F29** Words in s. 70(9) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(h)(iii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F30** Words in s. 70(9) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(h)(iv)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F31** Words in s. 70(10) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(i)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F32** Words in s. 70(10) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(i)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F33** S. 70(11) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, **Sch. 16 para. 65(j)**, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F34** Words in s. 70(12) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(k)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F35** Word in s. 70(12) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(k)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F36** Word in s. 70(12) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(k)(iii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)

#### Modifications etc. (not altering text)

- C11** S. 70 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 22(2)**; S.I. 1991/2683, **art. 2**  
Ss. 69-71 extended by S.I. 1991/724, **art. 2(7)**  
S. 70 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), **Sch. 4 para. 7(2)**
- C12** Ss. 70-74 applied (with modifications) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), art. 1(2), **Sch. 1 paras. 1, 3, 5**

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**71 [F37 Assessment] on application of third parties. E+W**

- (1) Where a person other than the party chargeable with the bill for the purposes of section 70 has paid, or is or was liable to pay, a bill either to the solicitor or to the party chargeable with the bill, that person, or his executors, administrators or assignees may apply to the High Court for an order for the [F38 assessment] of the bill as if he were the party chargeable with it, and the court may make the same order (if any) as it might have made if the application had been made by the party chargeable with the bill.
- (2) Where the court has no power to make an order by virtue of subsection (1) except in special circumstances it may, in considering whether there are special circumstances sufficient to justify the making of an order, take into account circumstances which affect the applicant but do not affect the party chargeable with the bill.
- (3) Where a trustee, executor or administrator has become liable to pay a bill of a solicitor, then, on the application of any person interested in any property out of which the trustee, executor or administrator has paid, or is entitled to pay, the bill, the court may order—
  - (a) that the bill be [F39 assessed] on such terms, if any, as it thinks fit; and
  - (b) that such payments, in respect of the amount found to be due to or by the solicitor and in respect of the costs of the [F40 assessment], be made to or by the applicant, to or by the solicitor, or to or by the executor, administrator or trustee, as it thinks fit.
- (4) In considering any application under subsection (3) the court shall have regard—
  - (a) to the provisions of section 70 as to applications by the party chargeable for the [F41 assessment] of a solicitor's bill so far as they are capable of being applied to an application made under that subsection;
  - (b) to the extent and nature of the interest of the applicant.
- (5) If an applicant under subsection (3) pays any money to the solicitor, he shall have the same right to be paid that money by the trustee, executor or administrator chargeable with the bill as the solicitor had.
- (6) Except in special circumstances, no order shall be made on an application under this section for the [F42 assessment] of a bill which has already been [F43 assessed].
- (7) If the court on an application under this section orders a bill to be [F44 assessed], it may order the solicitor to deliver to the applicant a copy of the bill on payment of the costs of that copy.

**Textual Amendments**

- F37** S. 71: word in section heading substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 66(a)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F38** Word in s. 71(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 66(b)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F39** Word in s. 71(3) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 66(c)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F40** Word in s. 71(3) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 66(c)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F41** Word in s. 71(4) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 66(d)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)

*Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Remuneration—general. (See end of Document for details)*

- F42** Word in s. 71(6) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 66(e)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F43** Word in s. 71(6) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 66(e)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F44** Word in s. 71(7) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 66(f)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)

#### Modifications etc. (not altering text)

- C12** Ss. 70-74 applied (with modifications) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), art. 1(2), Sch. 1 paras. 1, 3, 5
- C13** S. 71 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 22(2)**; S.I. 1991/2683, **art. 2**  
Ss. 69-71 extended by S.I. 1991/724, **art. 2(7)**  
S. 71 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), **Sch. 4 para. 7(2)**

## 72 Supplementary provisions as to <sup>F45</sup>assessments]. **E+W**

- (1) Every application for an order for the <sup>F46</sup>assessment] of a solicitor's bill or for the delivery of a solicitor's bill and for the delivery up by a solicitor of any documents in his possession, custody or power shall be made in the matter of that solicitor.
- (2) Where a <sup>F47</sup>costs officer] is in the course of <sup>F48</sup>assessing] a bill of costs, he may request the <sup>F47</sup>costs officer] of any other court to assist him in <sup>F48</sup>assessing] any part of the bill, and the <sup>F47</sup>costs officer] so requested shall <sup>F49</sup>assess] that part of the bill and shall return the bill with his opinion on it to the <sup>F47</sup>costs officer] making the request.
- (3) Where a request is made as mentioned in subsection (2), the <sup>F50</sup>costs officer] who is requested to <sup>F51</sup>assess] part of a bill shall have such powers, and may take such fees, in respect of that part of the bill, as he would have or be entitled to take if he were <sup>F52</sup>assessing] that part of the bill in pursuance of an order of the court of which he is an officer; and the <sup>F50</sup>costs officer] who made the request shall not take any fee in respect of that part of the bill.
- (4) The certificate of the <sup>F53</sup>costs officer] by whom any bill has been <sup>F54</sup>assessed] shall, unless it is set aside or altered by the court, be final as to the amount of the costs covered by it, and the court may make such order in relation to the certificate as it thinks fit, including, in a case where the retainer is not disputed, an order that judgment be entered for the sum certified to be due with costs.

#### Textual Amendments

- F45** S. 72: word in section heading substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 67(a)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F46** Word in s. 72(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 67(b)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F47** Words in s. 72(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 67(c)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F48** Words in s. 72(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 67(c)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F49** Word in s. 72(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 67(c)(iii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F50** Words in s. 72(3) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 67(d)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)



*Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Remuneration—general. (See end of Document for details)*

- F51** Word in s. 72(3) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 67(d)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F52** Word in s. 72(3) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 67(d)(iii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F53** Words in s. 72(4) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 67(e)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F54** Word in s. 72(4) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 67(e)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)

**Modifications etc. (not altering text)**

- C12** Ss. 70-74 applied (with modifications) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), art. 1(2), Sch. 1 paras. 1, 3, **5**
- C14** S. 72 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 22(2)**; S.I. 1991/2683, **art. 2**  
S. 72 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), **Sch. 4 para. 7(2)**

**73 Charging orders. E+W**

- (1) Subject to subsection (2), any court in which a solicitor has been employed to prosecute or defend any suit, matter or proceedings may at any time—
- (a) declare the solicitor entitled to a charge on any property recovered or preserved through his instrumentality for his [<sup>F55</sup>assessed] costs in relation to that suit, matter or proceeding; and
- (b) make such orders for the [<sup>F56</sup>assessment] of those costs and for raising money to pay or for paying them out of the property recovered or preserved as the court thinks fit;
- and all conveyances and acts done to defeat, or operating to defeat, that charge shall, except in the case of a conveyance to a bona fide purchaser for value without notice, be void as against the solicitor.
- (2) No order shall be made under subsection (1) if the right to recover the costs is barred by any statute of limitations.

**Textual Amendments**

- F55** Word in s. 73(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 68(a)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F56** Word in s. 73(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 68(b)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)

**Modifications etc. (not altering text)**

- C12** Ss. 70-74 applied (with modifications) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), art. 1(2), Sch. 1 paras. 1, 3, **5**
- C15** S. 73 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 22(2)**; S.I. 1991/2683, art. 2  
S. 73 extended (31.1.1997) by 1996 c. 23, ss. 75, 93(6), **Sch. 2 para. 12** (with ss. 1, 2, 5, 81, 84, 93(6), 94, 95, 106); S.I. 1996/3146, **art. 3**  
S. 73 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), **Sch. 4 para. 7(2)**

*Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Remuneration—general. (See end of Document for details)*

**74 Special provisions as to contentious business done in county courts. E+W**

(1) The remuneration of a solicitor in respect of contentious business done by him in [<sup>F57</sup>the county court] shall be regulated in accordance with sections 59 to 73, and for that purpose those sections shall have effect subject to the following provisions of this section.

<sup>F58</sup>(2) .....

(3) The amount which may be allowed on the [<sup>F59</sup>assessment] of any costs or bill of costs in respect of any item relating to proceedings in [<sup>F60</sup>the county court] shall not, except in so far as rules of court may otherwise provide, exceed the amount which could have been allowed in respect of that item as between party and party in those proceedings, having regard to the nature of the proceedings and the amount of the claim and of any counterclaim.

**Textual Amendments**

- F57** Words in s. 74(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 26(a)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F58** S. 74(2) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 26(b)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F59** Word in s. 74(3) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 177, 211, **Sch. 16 para. 69(b)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F60** Words in s. 74(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**Modifications etc. (not altering text)**

- C12** Ss. 70-74 applied (with modifications) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), art. 1(2), **Sch. 1 paras. 1, 3, 5**
- C16** S. 74 extended (1.1.1992) by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 9, **Sch. 2 para. 22(2)**; S.I. 1991/2683, **art. 2**
- C17** S. 74 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), **Sch. 4 para. 7(2)**
- C18** Power to apply conferred by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), s. 42(2)
- C19** S. 74(3) extended by S.I. 1988/1328, **reg. 22**
- C20** S. 74(3) applied by [The Civil Procedure Rules 1998 \(S.I. 1998/3132\)](#) rule 46.9 (as substituted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), art. 2, rule 16, **Sch.** (with art. 22))

**75 Saving for certain enactments. E+W**

Nothing in this Part of this Act shall affect the following enactments, that is to say—

- <sup>F61</sup>(a) .....
- (b) <sup>F62</sup> .....
- (c) any of the provisions of the <sup>M1</sup>Costs in Criminal Cases Act 1973;
- <sup>F63</sup>(d) .....
- (e) any other enactment not expressly repealed by this Act which authorises the making of rules or orders or the giving of directions with respect to costs, or

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**Changes to legislation:** There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading: Remuneration—general. (See end of Document for details)

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which provides that any such rule, order or direction made or given under a previous enactment shall continue in force.

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**Textual Amendments**

- F61** S. 75(a) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. I Gp. 5](#)  
**F62** S. 75(b) repealed (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), ss. 133-135, 136(2), [Sch. 11 para. 12\(3\)](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); S.I. 2003/1725, [art. 2\(1\)](#)  
**F63** S. 75(d) repealed by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), s. 45, [Sch. 6](#)

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**Modifications etc. (not altering text)**

- C21** S. 75 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), [Sch. 4 para. 7\(2\)](#)

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**Marginal Citations**

- M1** 1973 c. 14.

**Changes to legislation:**

There are currently no known outstanding effects for the Solicitors Act 1974, Cross Heading:  
Remuneration—general.