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STATUTORY INSTRUMENTS

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**1976 No. 582**

**Solicitors (Northern Ireland) Order 1976**

**[<sup>F1</sup>PART V**

**REMUNERATION OF SOLICITORS**

*Contentious business*

**[<sup>F1</sup>Enforcement of contentious business agreements**

**66.**—(1) No action shall be brought on any contentious business agreement, but on the application of any person who—

- (a) is a party to the agreement or the representative of such a party; or
- (b) is or is alleged to be liable to pay, or is or claims to be entitled to be paid, the costs due or alleged to be due in respect of the business to which the agreement relates,

the court may enforce or set aside the agreement and determine every question as to its validity or effect.

(2) On any application under paragraph (1), the court—

- (a) if it is of the opinion that the agreement is in all respect fair and reasonable, may enforce it;
- (b) if it is of the opinion that the agreement is in any respect unfair or unreasonable, may set it aside and order the costs covered by it to be taxed as if it had never been made;
- (c) in any case, may make such order as to the costs of the application as it thinks fit.

(3) If the business covered by a contentious business agreement (not being an agreement to which Article 67 applies) is business done, or to be done, in any action, a client who is a party to the agreement may make application to the taxing officer for the agreement to be examined.

(4) The taxing officer to whom an application is made under paragraph (3) shall examine the agreement and may either allow it or, if he is of the opinion that the agreement is unfair or unreasonable, require the opinion of the court to be taken on it, and the court may allow the agreement or reduce the amount payable under it, or set it aside and order the costs covered by it to be taxed as if it had never been made.

(5) Where the amount agreed under any contentious business agreement is paid by or on behalf of the client or by any person entitled to do so, the person making the payment may at any time within 12 months from the date of payment, or within such further time as appears to the court to be reasonable, apply to the court, and, if it appears to the court that the special circumstances of the case require it to be re#opened, the court may, on such terms as may be just, re#open it and order the costs covered by the agreement to be taxed and the whole or any part of the amount received by the solicitor to be repaid by him.

(6) In this Article and in Articles 67 to 69 “the court” means—

- (a) in relation to an agreement under which any business has been done or was to have been done in the High Court, the High Court;

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Solicitors (Northern Ireland) Order 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (b) in relation to an agreement under which any business has been done or was to have been done in the Lands Tribunal, the High Court;
  - (c) in relation to any other agreement—
    - (i) under which more than £5,000 is payable, the High Court; or
    - (ii) under which not more than £5,000 is payable, a county court.
- (7) In this Article and in Articles 67 to 70 “the taxing officer” means—
- (a) where the court is the High Court, the Master (Taxing Office); and
  - (b) where the court is the county court, a circuit registrar.]

<b>F1</b> 1989 NI 14
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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 6(1A) inserted by [2011 c. 24 \(N.I.\) s. 88\(2\)](#)
- art. 10(2D) inserted by [2011 c. 24 \(N.I.\) s. 88\(4\)](#)
- art. 51(11A) inserted by [2016 c. 14 \(N.I.\) s. 3\(4\)](#)
- art. 71H(3) revoked by [1996 c. 23 s. 107\(2\)Sch.4](#)
- art. 75(1A) inserted by [2016 c. 14 \(N.I.\) s. 3\(6\)](#)
- art. 75(2A)(2B) inserted by [2011 c. 24 \(N.I.\) s. 90\(1\)](#)