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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**

*Non#contentious business*

**[<sup>F1</sup>Orders as to remuneration of solicitors for non#contentious business**

**71.**—(1) For the purposes of this Article there shall be a committee to be known as the “Non#contentious Costs Committee” (in this Part referred to as “the Committee”) and consisting of the following persons—

- (a) two judges of the High Court or the Court of Appeal of whom the Lord Chief Justice may be one, appointed by the Lord Chief Justice;
- (b) the President of the Lands Tribunal;
- (c) two solicitors appointed by the Council; and
- (d) for the purpose only of prescribing and regulating the remuneration of solicitors in respect of business under the Land Registration Act (Northern Ireland) 1970, the Registrar of Titles.

(2) The Committee acting by any three or more of the members thereof (the Lord Chief Justice or another judge of the High Court or the Court of Appeal being one) may make orders prescribing and regulating in such manner as they think the remuneration of solicitors in respect of non#contentious business.

(3) The Lord Chief Justice may appoint an officer of the [<sup>F2</sup>Court of Judicature] to act as Clerk to the Committee.

(4) The Committee may refer any question arising in the exercise of their functions to any person appearing to them to be likely to assist them in reaching a conclusion thereon for advice, investigation or report and the Committee or any such person may receive evidence from any source appearing to the Committee or, as the case may be, to such person to be relevant.

(5) The costs of any reference made by the Committee under paragraph (4) shall be defrayed by the Society.

(6) Before any order is made under this Article, the Committee shall—

- (a) cause a draft of the order to be sent to the Council; and
- (b) consider any observations in writing submitted to them by the Council within three months of the sending of the draft;

and the Committee may then make the order either in the form of the draft or with such alterations or additions as they may think fit.

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(7) An order under this Article may, as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or percentage, varying or not in different classes of business, or by a gross sum, or by a fixed sum for each document prepared or perused, without regard to length, or in any other mode, or partly in one mode and partly in another, and may regulate the amount of remuneration with reference to all or any of the following, among other, considerations, that is to say—

- (a) the position of the party for whom the solicitor is concerned in the business, that is, whether as vendor or purchaser, lessor or lessee, mortgagor or mortgagee, and the like;
- (b) the place where, and the circumstances in which, the business or any part thereof is transacted;
- (c) the amount of the capital money or rent to which the business relates;
- (d) the skill, labour, specialised knowledge and responsibility involved therein on the part of the solicitor;
- (e) the complexity, importance, difficulty, rarity or urgency of the questions raised;
- (f) the number and importance of the documents prepared or perused; and
- (g) the time expended by the solicitor.

(8) An order under this Article may authorise and regulate—

- (a) the taking by a solicitor from his client of security for payment of any remuneration, to be ascertained by taxation or otherwise, which may become due to him under any such order; and
- (b) the allowance of interest.

(9) So long as an order made under this Article is in operation, taxation of bills of costs of solicitors in respect of non-contentious business shall, subject to the provisions of Article 71A, be regulated by that order.

(10) All orders made by the Committee shall be laid before the Assembly by the Head of the Department of Finance and Personnel and shall be subject to negative resolution.

(11) In Part I of Schedule 1 to the Statutory Rules (Northern Ireland) Order 1979 for the reference to Article 64 of the Solicitors (Northern Ireland) Order 1976 there shall be substituted a reference to this Article.]

**F1** 1989 NI 14

**F2** Words in art. 71(3) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, art. 2(d)

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**Changes and effects yet to be applied to :**

- art. 71(6)(a) words substituted by [2016 c. 14 \(N.I.\) s. 3\(5\)\(a\)](#)
- art. 71(6)(b) words substituted by [2016 c. 14 \(N.I.\) s. 3\(5\)\(b\)](#)

**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\(1\)](#)