



Solicitors Act 1974

1974 CHAPTER 47

PART III

REMUNERATION OF SOLICITORS

Non-contentious business

57 Non-contentious business agreements.

- (1) Whether or not any order is in force under section 56, a solicitor and his client may, before or after or in the course of the transaction of any non-contentious business by the solicitor, make an agreement as to his remuneration in respect of that business.
- (2) The agreement may provide for the remuneration of the solicitor by a gross sum [^{F1}or by reference to an hourly rate], or by a commission or percentage, or by a salary, or otherwise, and it may be made on the terms that the amount of the remuneration stipulated for shall or shall not include all or any disbursements made by the solicitor in respect of searches, plans, travelling, [^{F2}taxes], fees or other matters.
- (3) The agreement shall be in writing and signed by the person to be bound by it or his agent in that behalf.
- (4) [^{F3}Subject to subsections (5) and (7)], the agreement may be sued and recovered on or set aside in the like manner and on the like grounds as an agreement not relating to the remuneration of a solicitor.
- (5) If on any [^{F4}assessment] of costs the agreement is relied on by the solicitor and objected to by the client as unfair or unreasonable, the [^{F5}costs officer] may enquire into the facts and certify them to the court, and if from that certificate it appears just to the court that the agreement should be set aside, or the amount payable under it reduced, the court may so order and may give such consequential directions as it thinks fit.
- [^{F6}(6) Subsection (7) applies where the agreement provides for the remuneration of the solicitor to be by reference to an hourly rate.

Status: Point in time view as at 23/12/2011.

Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 57. (See end of Document for details)

- (7) If, on the [^{F7}assessment] of any costs, the agreement is relied on by the solicitor and the client objects to the amount of the costs (but is not alleging that the agreement is unfair or unreasonable), the [^{F8}costs officer] may enquire into—
- (a) the number of hours worked by the solicitor; and
 - (b) whether the number of hours worked by him was excessive.]

Textual Amendments

- F1** S. 57(2) words inserted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 98(2)**
- F2** Word in s. 57(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 55(a)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F3** S. 57(4) words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 98(3)**
- F4** Word in s. 57(5) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 55(b)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F5** Words in s. 57(5) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 55(b)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F6** S. 57(6)(7) inserted by Courts and Legal Service Act 1990 (c. 41, SIF 76:1), **s. 98(4)**
- F7** Word in s. 57(7) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 55(c)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F8** Words in s. 57(7) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 55(c)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)

Modifications etc. (not altering text)

- C1** S. 57 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. 57 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), Sch. 4 para. 7(2) (as amended (1.7.2009) by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(c)**)
- C2** S. 57 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

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Solicitors Act 1974, Section 57.