



Solicitors Act 1974

1974 CHAPTER 47

PART III

REMUNERATION OF SOLICITORS

Remuneration—general

69 Action to recover solicitor's costs.

- (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 [^{F1}assessed].

[^{F2}(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—

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- (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 - (b) may be modified or withdrawn at any time by a notice given to that person.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 [^{F3}the county court] and the amount of the bill does not exceed [^{F4}£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 [^{F5}the county court].
- ^{F6}(4)
- [^{F7}(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).]

Textual Amendments

- F1** 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)
- F2** 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\(j\)\(i\)](#)
- F3** 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)
- F4** Words in s. 69(3) substituted by S.I. 1991/724, [art. 2\(8\)](#), [Schedule Part I](#)

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- F5** 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)
- F6** S. 69(4) omitted by S.I. 1991/724, art. 2(8), **Schedule Part I**
- F7** 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)

- C1** 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)**
- C2** 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)**
- C3** 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
- C4** 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**
- C5** 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)**
- C6** 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)**

Changes to legislation:

There are currently no known outstanding effects for the Solicitors Act 1974, Section 69.