



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART IV

#### SOLICITORS

#### **98 Agreements with solicitors for payment by hourly rates.**

- (1) Section 57 of the <sup>M1</sup>Solicitors Act 1974 (non-contentious business agreements) shall be amended in accordance with subsections (2) to (4).
- (2) In subsection (2) (method of payment which may be agreed), after the words “gross sum” there shall be inserted “ or by reference to an hourly rate” ”.
- (3) In subsection (4), for the words “Subject to subsection (5)” there shall be substituted “ Subject to subsections (5) and (7)” ”.
- (4) After subsection (5) there shall be inserted the following subsections—
  - “(6) Subsection (7) applies where the agreement provides for the remuneration of the solicitor to be by reference to an hourly rate.
  - (7) If, on the taxation 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 taxing 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.”
- (5) In section 59(1) of the Act of 1974 (method of payment which may be agreed in contentious business agreement) after the words “gross sum” there shall be inserted “ or by reference to an hourly rate” ”.
- (6) In section 60(1) of the Act of 1974 (which among other things provides for section 69 of that Act not to apply to contentious business agreements), after the word “or” there shall be inserted “ (except in the case of an agreement which provides for the solicitor to be remunerated by reference to an hourly rate)” ”.

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**Changes to legislation:** Courts and Legal Services Act 1990, Section 98 is up to date with all changes known to be in force on or before 18 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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(7) In section 61 of the Act of 1974 (enforcement of contentious business agreements), the following subsections shall be inserted after subsection (4)—

“(4A) Subsection (4B) applies where a contentious business agreement provides for the remuneration of the solicitor to be by reference to an hourly rate.

(4B) If on the taxation 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 taxing 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.”

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**Marginal Citations**

**M1** 1974 c. 47.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

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

- s. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)