

1970 No. 2021 (L.42)

**SOLICITORS**

**The Solicitors' Remuneration Order 1970**

<i>Made - - - -</i>	<i>21st December 1970</i>
<i>Laid before Parliament</i>	<i>5th January 1971</i>
<i>Coming into Operation</i>	<i>15th February 1971</i>

We, Quintin McGarel, Baron Hailsham of Saint Marylebone, Lord High Chancellor of Great Britain, Hubert, Baron Parker of Waddington, Lord Chief Justice of England, Alfred, Baron Denning, Master of the Rolls, Godfrey William Rowland Morley, Esquire, O.B.E., T.D., President of the Law Society, and Charles Herbert Lea, Esquire, M.C., President of the Birmingham Law Society, being the persons authorised by section 56 of the Solicitors Act 1957(a) to make general orders prescribing and regulating the remuneration of solicitors in respect of non-contentious business, do hereby, in exercise of the power vested in us by the said section, order and direct as follows:—

**1.**—(1) This Order may be cited as the Solicitors' Remuneration Order 1970, and the Solicitors' Remuneration Orders 1883 to 1953 and this Order may be cited together as the Solicitors' Remuneration Orders 1883 to 1970.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 15th February 1971 and shall apply to all business for which instructions are accepted on or after that date.

**2.** The scale of charges in respect of business connected with sales, purchases and mortgages (other than the negotiation of loans) shall be that set out in Schedule A to this Order and the scale of charges relating to work done by a mortgagor's or mortgagee's solicitor in negotiating a loan (being the existing scale adjusted to take account of decimalisation) shall be that set out in Schedule B and accordingly those scales shall be substituted for the scale contained in Part I of Schedule I to the Solicitors' Remuneration Order 1883(c) as amended (d) (hereinafter referred to as 'the Order of 1883').

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(a) 1957 c. 27.

(b) 1889 c. 63.

(c) Rev. XXI p. 205.

(d) S.R.&O. 1925/755, 1936/326, 1944/203, S.I. 1953/117 (1925, p. 1440; 1936 II, p. 2512; 1944 I, p. 915; 1953 II, p. 1946).

3.—(1) Where a solicitor acts for a vendor on the sale of ten or more parcels of land on a building estate on each of which a dwelling-house or other building has been erected and the title to each parcel is the same or substantially the same, the scale charge shall be reduced in accordance with the following table:—

Where the solicitor acts in 10 or more but less than 25 transactions ... ..	The scale charge shall be reduced by 10%
Where the solicitor acts in 25 or more but less than 50 transactions ... ..	The scale charge shall be reduced by 15%
Where the solicitor acts in 50 or more but less than 100 transactions ... ..	The scale charge shall be reduced by 20%
Where the solicitor acts in 100 or more transactions ... ..	The scale charge shall be reduced by 25%

(2) Any difference between the solicitor and his client as to the application of this paragraph shall be referred to and determined by the president of the local law society for the area in which the land is situated, or, if the solicitor is himself the president, by another solicitor nominated by the President of The Law Society.

4.—(1) If in the case of business to which this paragraph applies the client considers that a reduction, or a greater reduction than that proposed by the solicitor, should be made in the scale charge, the client may (without prejudice to his right to apply under section 69 of the Solicitors Act 1957 for the solicitor's bill to be taxed) require the solicitor to obtain a certificate from the Law Society before the bill is taxed or paid as to what charge would be fair and reasonable in the circumstances, the amount of the charge so certified being, in the absence of taxation, the amount payable to the solicitor by the client.

(2) The business to which this paragraph applies is:—

- (a) work done by the mortgagor's solicitor on a mortgage to a local authority, building society, insurance company or friendly society where the mortgage is contemporaneous with the purchase and the mortgagee is separately represented;
- (b) work done by the lessor's or the lessee's solicitor on the renewal of a lease by means of a short endorsement on, annexure to, or document supplemental to the original lease.

5. For conducting a sale by public auction a solicitor shall be remunerated in accordance with Schedule II and not in accordance with Schedule I to the Order of 1883 and that Order shall accordingly be amended as follows:—

- (a) in paragraph 2(c) after the words "the negotiation of sales, purchases and leases" there shall be inserted the words "and the conduct of a sale by public auction";
- (b) in Part I of Schedule I the entry relating to the remuneration of a vendor's solicitor for conducting a sale by public auction shall be deleted;
- (c) in the Rules applicable to Part I of Schedule I there shall be deleted the whole of rule 2, the first sentence of rule 11 and in rule 12 the words "or for conducting a sale by auction".

6. In the Rules applicable to Part I of Schedule I to the Order of 1883, for rule 7 there shall be substituted the following rule:—

"7. Fractions of £100 are to be reckoned as £100."

7. In the case of leases and other business of the kind described in Part II of Schedule I to the Order of 1883 the lessee's or purchaser's solicitor shall be entitled to the same remuneration as the lessor's or vendor's solicitor, and accordingly in each of the scales set out in the said Part II the words "one half of" shall be deleted.

8. The Solicitors' Remuneration Order 1959(a) is hereby revoked.

Dated 21st December 1970.

*Hailsham of St. Marylebone, C.*

*Parker of Waddington, C.J.*

*Denning, M.R.*

*Godfrey Morley,*

*C. H. Lea.*

#### SCHEDULE A

##### SCALE APPLICABLE TO SALES, PURCHASE AND MORTGAGES OTHER THAN NEGOTIATION OF LOANS

Consideration	Remuneration
Under £100 ... ..	£15·00
£100 or over but not exceeding £500 ... ..	£20·00
For each subsequent £100 but not exceeding £1,000 ...	£2·00 per £100
For the second £1,000 ... ..	£1·50 per £100
For each subsequent £1,000 but not exceeding £10,000	75p per £100
For each subsequent £1,000 but not exceeding £30,000	50p per £100

Where the consideration exceeds £30,000 the remuneration is to be regulated in accordance with Schedule II to the Order of 1883, as amended.

(a) S.I. 1959/2027 (1959 II, p. 2504).

## SCHEDULE B

## SCALE APPLICABLE TO NEGOTIATION OF LOANS

	For the first, second and third £1,000 per £100	For the fourth and each subsequent £1,000 up to £10,000 per £100	For the remainder without limit per £100
Mortgagor's solicitor for negotiat- ing loan ... ..	84p	28p	19p
Mortgagee's solicitor for negotiat- ing loan ... ..	£1.68	56p	38p

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order amends the Solicitors' Remuneration Orders 1883 to 1953 relating to solicitors' charges for conveyancing and other non-contentious business. The Order—

- (1) increases the scale of charges for work done in connection with sales, purchases and mortgages (other than the negotiation of loans) where the consideration is less than £3,000;
- (2) abolishes scale charges where the consideration exceeds £30,000 and for work done in conducting a sale by auction;
- (3) enables the solicitor acting for a lessee to make the same scale charge as the solicitor acting for a lessor;
- (4) provides for reductions in the scale charge where a solicitor acts for a vendor on the sale of 10 or more properties on a building estate;
- (5) enables the scale charge for work done in respect of certain mortgages and on the renewal of leases to be reviewed at the instance of the client.

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