



Solicitors Act 1974

1974 CHAPTER 47

PART III

REMUNERATION OF SOLICITORS

Non-contentious business

56 Orders as to remuneration for non-contentious business.

- (1) For the purposes of this section there shall be a committee consisting of the following persons—
- (a) the [^{F1}Lord Chancellor];
 - (b) the Lord Chief Justice;
 - (c) the Master of the Rolls;
 - (d) the President of the Society;
 - [^{F2}(da) a member of the Legal Services Board nominated by that Board;]
 - (e) a solicitor, being the president of a local law society, nominated by the [^{F3}Lord Chancellor] to serve on the committee during his tenure of office as president; and
 - (f) for the purpose only of prescribing and regulating the remuneration of solicitors in respect of business done under the [^{F4}Land Registration Act 2002], the Chief Land Registrar appointed under that Act.
- (2) The committee, or any three members of the committee (the [^{F5}(the Lord Chancellor being one), may make general orders prescribing the general principles to be applied when determining] the remuneration of solicitors in respect of non-contentious business.
- (3) The [^{F6}Lord Chancellor], before any order under this section is made, shall cause a draft of the order to be sent to the [^{F7}Society]; and the committee shall consider any observations of the [^{F7}Society] submitted to them in writing within one month of the sending of the draft, and may then make the order, either in the form of the draft or with such alterations or additions as they may think fit.

Status: Point in time view as at 01/01/2010. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 56. (See end of Document for details)

- (4) [^{F8}The principles prescribed by an order under this section may provide that solicitors should be remunerated—]
- (b) by a gross sum; or
 - (c) by a fixed sum for each document prepared or perused, without regard to length; or
 - (d) in any other mode; or
 - (e) partly in one mode and partly in another.
- (5) [^{F9} The general principles prescribed by an order under this section may provide that the amount of such remuneration is to be determined by having regard] 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 he is vendor or purchaser, lessor or lessee, mortgagor or mortgagee, or the like;
 - (b) the place where, and the circumstances in which, the business or any part of it is transacted;
 - (c) the amount of the capital money or rent to which the business relates;
 - (d) the skill, labour and responsibility on the part of the solicitor [^{F10}, or any employee of his who is an authorised person,] which the business involves;
 - (e) the number and importance of the documents prepared or perused, without regard to length.
- [^{F11}(5A) In subsection (5) “authorised person” means a person who is an authorised person in relation to an activity which is a reserved legal activity, within the meaning of the Legal Services Act 2007 (see section 18 of that Act).]
- (6) An order under this section may authorise and regulate—
- (a) the taking by a solicitor from his client of security for payment of any remuneration, to be ascertained by [^{F12}assessment] or otherwise, which may become due to him under any such order; and
 - (b) the allowance of interest.
- (7) So long as an order made under this section is in operation the [^{F13}assessment] of bills of costs of solicitors in respect of non-contentious business shall, subject to the provisions of section 57, be [^{F14}subject to] that order.
- (8) Any order made under this section may be varied or revoked by a subsequent order so made.
- (9) The power to make orders under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and the ^{M1}Statutory Instruments Act 1946 shall apply to a statutory instrument containing such an order in like manner as if the order had been made by a Minister of the Crown.

Subordinate Legislation Made

P1 S. 56: power previously exercised by S.I. 1983/370

Textual Amendments

F1 Words in s. 56(1)(a) substituted (30.6.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, Sch. 16 para. 54(2)(a) (with ss. 29, 192, 193); S.I. 2008/1436, art. 2(d)(i)

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- F2** S. 56(1)(da) inserted (1.7.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 54(2)(b)** (with ss. 29, 192, 193); S.I. 2009/1365, **art. 2(a)(i)**
- F3** Words in s. 56(1)(e) substituted (30.6.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 54(2)(c)** (with ss. 29, 192, 193); S.I. 2008/1436, **art. 2(d)(i)**
- F4** Words in s. 56(1)(f) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), ss. 133, 136(2), **Sch. 11 para. 12(2)** (with s. 129); S.I. 2003/1725, **art. 2(1)**
- F5** Words in s. 56(2) substituted (30.6.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 54(3)** (with ss. 29, 192, 193); S.I. 2008/1436, **art. 2(d)(i)**
- F6** Words in s. 56(3) substituted (30.6.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 54(4)(a)** (with ss. 29, 192, 193); S.I. 2008/1436, **art. 2(d)(i)**
- F7** Words in s. 56(3) substituted (7.3.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 54(4)(b)** (with ss. 29, 192, 193); S.I. 2008/222, **art. 2(j)(i)**
- F8** S. 56(4)(a) and preceding words substituted for words (30.6.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 54(5)** (with ss. 29, 192, 193); S.I. 2008/1436, **art. 2(d)(i)**
- F9** Words in s. 56(5) substituted (30.6.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 54(6)(a)** (with ss. 29, 192, 193); S.I. 2008/1436, **art. 2(d)(i)**
- F10** Words in s. 56(5)(d) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 54(6)(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)
- F11** S. 56(5A) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 54(7)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(i)** (subject to art. 4)
- F12** Word in s. 56(6)(a) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 54(8)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F13** Word in s. 56(7) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 54(9)(a)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)**
- F14** Words in s. 56(7) substituted (30.6.2008) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 54(9)(b)** (with ss. 29, 192, 193); S.I. 2008/1436, **art. 2(d)(i)**

Modifications etc. (not altering text)

- C1** S. 56 (except subsection (1)(e) and (5)) 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**
- C2** S. 56(1)(a)-(e) modified (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(2A) (as inserted by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(d)**)
- C3** S. 56(1)(f) extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(2)Table (as amended by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(c)**)
- C4** S. 56(2) extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(2)Table (as amended by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(c)**)
- C5** S. 56(4)-(7) extended (with modifications) (1.7.2009) by S.I. 2000/1119, Sch. 4 para. 7(2)Table (as amended by The Legal Services Act 2007 (Registered European Lawyers) Order 2009 (S.I. 2009/1587), **art. 3(7)(c)**)
- C6** S. 56(5)(a)(d) modified (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 34), s. 9, **Sch. 2 para. 23**; S.I. 1991/2683, **art. 2**

Marginal Citations

- M1** 1946 c. 36.

Status:

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Changes to legislation:

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