



Solicitors Act 1974

1974 CHAPTER 47

PART III

REMUNERATION OF SOLICITORS

Remuneration—general

70 [F¹Assessment] on application of party chargeable or solicitor.

- (1) Where before the expiration of one month from the delivery of a solicitor's bill an application is made by the party chargeable with the bill, the High Court shall, without requiring any sum to be paid into court, order that the bill be [F²assessed] and that no action be commenced on the bill until the [F³assessment] is completed.
- (2) Where no such application is made before the expiration of the period mentioned in subsection (1), then, on an application being made by the solicitor or, subject to subsections (3) and (4), by the party chargeable with the bill, the court may on such terms, if any, as it thinks fit (not being terms as to the costs of the [F⁴assessment]), order—
 - (a) that the bill be [F⁵assessed]; and
 - (b) that no action be commenced on the bill, and that any action already commenced be stayed, until the [F⁴assessment] is completed.
- (3) Where an application under subsection (2) is made by the party chargeable with the bill—
 - (a) after the expiration of 12 months from the delivery of the bill, or
 - (b) after a judgment has been obtained for the recovery of the costs covered by the bill, or
 - (c) after the bill has been paid, but before the expiration of 12 months from the payment of the bill.

no order shall be made except in special circumstances and, if an order is made, it may contain such terms as regards the costs of the [F⁶assessment] as the court may think fit.

Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 70. (See end of Document for details)

- (4) The power to order [F⁶assessment] conferred by subsection (2) shall not be exercisable on an application made by the party chargeable with the bill after the expiration of 12 months from the payment of the bill.
- (5) An order for the [F⁶assessment] of a bill made on an application under this section by the party chargeable with the bill shall, if he so requests, be an order for the [F⁶assessment] of the profit costs covered by the bill.
- (6) Subject to subsection (5), the court may under this section order the [F⁷assessment] of all the costs, or of the profit costs, or of the costs other than profit costs and, where part of the costs is not to be [F⁸assessed], may allow an action to be commenced or to be continued for that part of the costs.
- (7) Every order for the [F⁹assessment] of a bill shall require the [F¹⁰costs officer] to [F¹¹assess] not only the bill but also the costs of the [F⁹assessment] and to certify what is due to or by the solicitor in respect of the bill and in respect of the costs of the taxation .
- (8) If after due notice of any [F¹²assessment] either party to it fails to attend, the officer may proceed with the [F¹²assessment] ex parte.
- (9) Unless—
- the order [F¹³for assessment] was made on the application of the solicitor and the party chargeable does not attend [F¹⁴the assessment] , or
 - the order [F¹³for assessment] or an order under subsection (10) otherwise provides,
- the costs of [F¹⁵an assessment] shall be paid according to the event of [F¹⁴the assessment] , that is to say, if [F¹⁶the amount of the bill is reduced by one fifth], the solicitor shall pay the costs, but otherwise the party chargeable shall pay the costs.
- (10) The [F¹⁷costs officer] may certify to the court any special circumstances relating to a bill or to the [F¹⁸assessment] of a bill, and the court may make such order as respects the costs of the [F¹⁸assessment] as it may think fit.
- (11) ^{F19}
- (12) In this section “profit costs” means costs other than counsel’s fees or costs paid or payable in the discharge of a liability incurred by the solicitor on behalf of the party chargeable, and the reference in subsection (9) to the fraction of the amount [F²⁰of the reduction in the bill] shall be taken, where the [F²¹assessment] concerns only part of the costs covered by the bill, as a reference to that fraction of the amount of those costs which is being [F²²assessed].

Textual Amendments

- F1** S. 70: word in section heading substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(a)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F2** Word in s. 70(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(b)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F3** Word in s. 70(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(b)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F4** Word in s. 70(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(c)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F5** Word in s. 70(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(c)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)

Changes to legislation: There are currently no known outstanding effects for the Solicitors Act 1974, Section 70. (See end of Document for details)

- F6** Words in s. 70(3)-(5) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(d)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F7** Word in s. 70(6) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(e)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F8** Word in s. 70(6) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(e)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F9** Word in s. 70(7) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(f)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F10** Words in s. 70(7) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(f)(ii)** (with ss. 29, 192, 193)
- F11** Word in s. 70(7) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(f)(iii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F12** Words in s. 70(8) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(g)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F13** Words in s. 70(9) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(h)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F14** Words in s. 70(9) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(h)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F15** Words in s. 70(9) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(h)(iii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F16** Words in s. 70(9) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(h)(iv)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F17** Words in s. 70(10) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(i)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F18** Words in s. 70(10) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(i)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F19** S. 70(11) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 210, 211, **Sch. 16 para. 65(j)**, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F20** Words in s. 70(12) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(k)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F21** Word in s. 70(12) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(k)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)
- F22** Word in s. 70(12) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 65(k)(iii)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(ii)** (with art. 9)

Modifications etc. (not altering text)

- C1** S. 70 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**
Ss. 69-71 extended by S.I. 1991/724, **art. 2(7)**
S. 70 extended (22.5.2000) by S.I. 2000/1119, regs. 1, 37(3), **Sch. 4 para. 7(2)**
- C2** Ss. 70-74 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**

Changes to legislation:

There are currently no known outstanding effects for the Solicitors Act 1974, Section 70.