1977 No. 253

SOLICITORS' REMUNERATION

The Solicitors' Remuneration (Land Registry) Order (Northern Ireland) 1977

Made . . . . . 22*nd July* 1977

Coming into operation . . . 1*st October* 1977

The Non-contentious Costs Committee (of which for the purpose of this Order the Registrar of Titles is deemed to be a member) in exercise of the powers conferred by Article 64 of the Solicitors (Northern Ireland) Order 1976(a) and of all other powers enabling them in that behalf (the Clerk of the Committee having caused a draft of the proposed Order to be sent to the Council of the Incorporated Law Society of Northern Ireland pursuant to paragraph (6) of that Article) having considered the observations in writing submitted to them by the Council, hereby make the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Solicitors' Remuneration (Land Registry) Order (Northern Ireland) 1977 and shall come into operation on 1st October 1977 and shall apply to all non-contentious business in Land Registry matters for which instructions are accepted on or after that date.

Interpretation

2. In this Order—

"non-contentious business" has the meaning assigned to it by Article 3(2) of the Solicitors (Northern Ireland) Order 1976 and includes proceeding on a hearing before the Registrar of Titles.

"the Society" means the Incorporated Law Society of Northern Ireland.

Basis of remuneration

3. A solicitor's remuneration for non-contentious business shall be such sum as may be fair and reasonable having regard to all the circumstances of the case, including—

(*a*) the position of the party for whom the solicitor is concerned in the business, that is, whether as vendor or purchaser, lessor or lessee, mortgagor or mortgagee, and the like;

(*b*) the place where, and the circumstances in which, the business or any part thereof is transacted;

(*c*) the amount of the capital money or rent to which the business relates;

(*d*) the skill, labour, specialised knowledge and responsibility involved therein on the part of the solicitor;

(*e*) the complexity, importance, difficulty, rarity or urgency of the questions raised;

(a) S.I. 1976/582 (N.I. 12)

(*f*) the number and importance of the documents prepared or perused;

(*g*) the time expended by the solicitor; and

(*h*) the importance of the matter to the client.

The Society's certificate

4.—(1) Without prejudice to the right of taxation prescribed by Article 66 of the Solicitors (Northern Ireland) Order 1976, the client may require the solicitor to obtain a certificate from the Society, acting by a committee of at least three members of the Society nominated by the President thereof, certifying that the sum charged is fair and reasonable or, if it is not, what lesser sum is fair and reasonable, and the sum so specified shall, in the absence of taxation, be the sum payable.

(2) Before a solicitor brings proceedings to recover costs on a bill for non-contentious business he shall, unless the costs have been taxed, inform the client in writing—

(*a*) of his right under paragraph (1) to require the solicitor to obtain a certificate from the Society, and

(*b*) of the provisions of the Solicitors (Northern Ireland) Order 1976 relating to taxation of costs.

(3) The client shall not be entitled to require the solicitor to obtain a certificate from the Society under paragraph (1)—

(*a*) after the expiry of one month from the date on which the client was given the information required by paragraph (2);

(*b*) after a bill has been delivered and paid; or

(*c*) after the High Court or the Taxing Master has ordered the bill to be taxed.

Taxation

5.—(1) On the taxation of any bill delivered under this Order it shall be the duty of the solicitor to satisfy the Taxing Master as to the fairness and reasonableness of the sum charged.

(2) If the Taxing Master allows less than one-half of the sum charged, he shall bring the facts of the case to the attention of the Society.

Interest

6.—(1) After the expiry of one month from the delivery of any bill for non-contentious business a solicitor may charge interest on the amount of the bill (including any disbursements) at a rate not exceeding the rate for the time being payable on judgment debts, so, however, that before interest may be charged the client must have been given in writing the information required by rule 4(2).

(2) If an application is made for the bill to be taxed or the solicitor is required to obtain a certificate from the Society, interest shall be calculated by reference to the amount finally ascertained.

Security

7. A solicitor may take from his client security for the payment of any remuneration, including the amount of any interest to which the solicitor may become entitled under rule 6.

Revocations

8. The Orders specified in the Schedule hereto, so far as unrevoked, are hereby revoked except in their application to business for which instructions are accepted before this Order comes into operation.

22nd July 1977

(Signed) *Robert Lowry*
Donald Murray
F. A. L. Harrison
G. Lennox Cotton
Leslie C. W. Martin
G. Patrick Jemphrey

SCHEDULE Rule 8

Orders revoked

Land Registry of Northern Ireland Order and Rules 1936(**b**).
Land Registry (Costs) Order (Northern Ireland) 1953(**c**).
Land Registry (Costs) Order (Northern Ireland) 1954(**d**).

EXPLANATORY NOTE

(*This note is not part of the Order but is intended to indicate its general purport.*)

This Order, which comes into force on 1st October 1977, regulates the remuneration payable to solicitors in respect of non-contentious business in Land Registry matters.

(**b**) S.R. & O. 1936 No. 561 (I, p. 1540)
(**c**) S.R. & O. (N.I.) 1953 No. 23 (p. 202)
(**d**) S.R. & O. (N.I.) 1954 No. 72 (p. 389)