SCHEDULE

CLAUSE TO BE SUBSTITUTED FOR CLAUSE 8 OF THE FORM OF AGREEMENT FOR THE LETTING OF SMALLHOLDINGS BY SMALLHOLDINGS AUTHORITIES, SCHEDULED TO THE SMALLHOLDINGS (MANAGEMENT) REGULATIONS, 1949.

8. If any part of the rents hereby reserved shall be in arrear for at least two months (whether demanded or not) or if there shall be any breach of any of the obligations hereby or by law imposed on the Tenant(s) or if the Tenant(s) *or either of them* shall have a receiving order in bankruptcy made against *them or him* or shall execute an assignment for the benefit of *their or his* creditors then and in any of the said cases the Landlords may at any time thereafter and after giving to the Tenant(s) not less than two months' notice of their intention so to do re-enter upon the whole or any part of the Holding in the name of the whole and thereupon the tenancy hereby created shall absolutely determine but without prejudice to any claims of the Landlords or the Tenant(s) hereunder.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations substitute a new proviso for re-entry for that contained in the model form of agreement for the letting of smallholdings under Part IV of the Agriculture Act, 1947, which is provided by the Smallholdings (Management) Regulations, 1949.

SOLICITOR, ENGLAND

1953 No. 117 (L. 1)

The Solicitors' Remuneration Order, 1953

Made - - - -	*26th January*, 1953
Laid before Parliament	*27th January*, 1953
Coming into Operation	*1st March*, 1953

We, the Right Honourable Gavin Turnbull, Baron Simonds, Lord High Chancellor of Great Britain, the Right Honourable Rayner, Baron Goddard, Lord Chief Justice of England, the Right Honourable Sir Francis Raymond Evershed, Master of the Rolls, Dingwall Latham Bateson, Esquire, C.B.E., M.C., President of The Law Society, and Horatio Randolph Pruddah, Esquire, President of the Incorporated Law Society of Liverpool, being the persons authorised by section 56 of the Solicitors Act, 1932(a), do hereby, by virtue of the powers vested in us by the said section and of every other power enabling us in that behalf, order and direct as follows:—

1. This Order may be cited as the Solicitors' Remuneration Order, 1953, and the Solicitors' Remuneration Orders, 1883 to 1944, and this Order may be cited together as the Solicitors' Remuneration Orders, 1883 to 1953.

2. In paragraph 2 (*c*) of the Solicitors' Remuneration Order, 1883(b), (hereinafter referred to as "the Order of 1883") after the words "and of all other business" there shall be inserted the words "including the negotiation of sales, purchases and leases" and in the said paragraph 2 (*c*) and in paragraph 6 of the Order of 1883 for the words "according to the present

(a) 22 & 23 Geo. 5. c. 37. (b) Rev. XXI, p. 205.

system as altered by Schedule II hereto," there shall be substituted the words " in accordance with Schedule II hereto ".

3. The following scale shall be substituted for the scale of charges on sales, purchases and mortgages which is contained in Part I of Schedule I to the Order of 1883 :—

SCALE

	(1) For the first £1,000	(2) For the second and third £1,000	(3) For the fourth and each subsequent £1,000 up to £10,000	(4) For the remainder without limit
	per £100 s. d.	per £100 s. d.	per £100 s. d.	per £100 s. d.
Vendor's solicitor for conducting a sale of property by public auction, including the conditions of sale—				
When the property is sold	30 0	15 0	7 6	3 9
When the property is not sold, then on the reserved price	15 0	7 6	3 9	1 10½
NOTE:—*A minimum charge of* £7 10 0 *is to be made whether a sale is effected or not.*				
Vendor's solicitor for deducing title to freehold or leasehold property, and perusing and completing conveyance (including preparation of contract or conditions of sale, if any)	45 0	30 0	15 0	10 0
Purchaser's solicitor for investigating title to freehold or leasehold property, and preparing and completing conveyance (including perusal and completion of contract, if any)	45 0	30 0	15 0	10 0
Mortgagor's solicitor for negotiating loan	16 10½	16 10½	5 7½	3 9
Mortgagor's solicitor for deducing title to freehold or leasehold property, perusing mortgage and completing ...	45 0	30 0	15 0	10 0
Mortgagee's solicitor for negotiating loan	33 9	33 9	11 3	7 6
Mortgagee's solicitor for investigating title to freehold or leasehold property, and preparing and completing mortgage	45 0	30 0	15 0	10 0

4. The following amendments shall be made in the Rules applicable to Part I of Schedule I to the Order of 1883:—

(*a*) The following Rule shall be substituted for Rule 1:—

"1. The commission for deducing title and perusing and completing conveyance—

(*a*) on a sale by auction, is to be chargeable on each lot of property, except that where a property held under the same title is divided into lots for convenience of sale, and the same purchaser buys several such lots and takes one conveyance, and only one abstract is delivered, the commission is to be chargeable upon the aggregate price of the lots;

(*b*) on a sale by private treaty of two or more properties, is to be chargeable upon the aggregate price of the properties, except that where properties are held under different titles and a separate price is specified for each property, the commission is to be chargeable on the price of each such property in respect of which a separate conveyance is taken."

(*b*) In Rule 2 the words "and also one-half of the commission for negotiating the sale" shall be deleted and for the words "according to the present system as altered by Schedule II hereto" there shall be substituted the words "in accordance with Schedule II hereto".

(*c*) In Rule 4, for the reference to £2 there shall be substituted a reference to £3.

(*d*) In Rule 5 for the words "are to be dealt with under the old system as altered by Schedule II hereto" there shall be substituted the words "are to be calculated in accordance with Schedule II hereto".

(*e*) In Rule 6, for the words "his commissions for negotiating (if any)" there shall be substituted the words "his commission for negotiating the loan."

(*f*) In Rule 8, for the references to £5 and £3 there shall be substituted references to £7 10s. 0d. and £4 10s. 0d. respectively.

(*g*) In Rule 10 for the words "according to the present system as altered by Schedule II hereto" there shall be substituted the words "in accordance with Schedule II hereto".

(*h*) The following Rule shall be substituted for Rule 11:—

"11. The scale for conducting a sale by auction shall apply only in cases where no commission is paid by the client to an auctioneer. The scale for negotiating a loan payable to a mortgagee's solicitor shall apply only to cases where the solicitor arranges and obtains the loan from a person for whom he acts. In cases of sales under the Lands Clauses Consolidation Act or any other private or public Act under which the vendor's charges are paid by the purchaser, the scale shall not apply."

(*i*) In Rule 12 the words "sale or" shall be deleted.

(*j*) At the end there shall be added the following Rule:—

"13. The scales for deducing and for investigating title shall apply to sales and purchases of leasehold property although there may have been no previous assignment or other dealing with the leasehold interest since the grant of the lease."

5. The following amendments shall be made in the Rules applicable to Part II of Schedule I to the Order of 1883:—

(*a*) In Rule 1 for the words "according to the present system as altered by Schedule II" there shall be substituted the words "in accordance with Schedule II hereto".

(*b*) In Rule 4 for the words " are to be dealt with under the old system as altered by Schedule II " there shall be substituted the words " are to be calculated in accordance with Schedule II hereto ".

6. The following Schedule shall be substituted for Schedule II to the Order of 1883 :—

" SCHEDULE II

Any business, not being contentious business, for which no charge is prescribed by Schedule I, or in respect of which the solicitor has, in accordance with paragraph 6 of this Order, elected to charge under Schedule II.

Such sum as may be fair and reasonable, having regard to all the circumstances of the case and in particular to—

(1) the complexity of the matter or the difficulty or novelty of the questions raised ;

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

(3) the number and importance of the documents prepared or perused, without regard to length ;

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

(5) the time expended by the solicitor ;

(6) where money or property is involved, its amount or value ; and

(7) the importance of the matter to the client :

Provided that—

(*a*) without prejudice to the provisions of sections 66, 67 and 68 of the Solicitors Act, 1932, (which relate to taxation of costs) the client may require the solicitor to obtain a certificate from The Law Society certifying that the sum charged is fair and reasonable or, if it is not, what is a fair and reasonable sum, and the sum so certified, if less than that charged, shall, in the absence of taxation, be the sum payable ;

(*b*) before the solicitor brings proceedings to recover costs on a bill delivered under this Schedule, he must, unless the costs have been taxed, have drawn the attention of the client in writing—

(i) to his right under paragraph (*a*) of this proviso to require the solicitor to obtain a certificate from The Law Society, and

(ii) to the provisions of the Solicitors Acts, 1932 to 1950, with regard to taxation of costs ;

(*c*) the client shall not be entitled to require the solicitor to obtain a certificate from The Law Society under paragraph (*a*) of this proviso after the bill has been either taxed or paid ;

(*d*) on any taxation of a bill delivered under this Schedule it shall be the duty of the solicitor to satisfy the Taxing Master as to the fairness and reasonableness of his charge ; and

(*e*) if the Taxing Master allows less than one half of the amount charged, he shall bring the facts of the case to the attention of The Law Society."

7. The Solicitors' Remuneration Act General Order, 1919(**a**), and paragraphs 1 and 4 of the Solicitors' Remuneration Act General Order, 1925(**b**), and paragraph 2 of the Solicitors' Remuneration Order, 1944(**c**) (which provide for certain additions by way of percentage to the remuneration of a

(a) S.R. & O. 1919/1878; Rev. XXI, p. 212; 1919 II, p. 461.
(b) S.R. & O. 1925/755; Rev. XXI, p. 213; 1925, p. 1440.
(c) S.R. & O. 1944/203; Rev. XXI, p. 217; 1944 I, p. 915.

solicitor under the Order of 1883) shall not apply in calculating the remuneration of a solicitor in the case of business to which Part I of Schedule I or Schedule II to the Order of 1883, as amended by this Order, applies.

8. The Solicitors' Remuneration Act General Order, 1919, and the Solicitors' Remuneration (Gross Sum) Order, 1934(**a**), are hereby revoked, so, however, that the revocation of the first-mentioned Order shall not apply to business transacted before this Order comes into operation.

9. This Order shall come into operation on the first day of March, 1953, and shall apply to all business transacted on or after that date: Provided that in the case of business to which Schedule I to the Order of 1883 applies this Order shall not affect business for which instructions have been accepted before this Order comes into operation.

Dated the twenty-sixth day of January, 1953.

Simonds, C.
Goddard, C.J.
Raymond Evershed, M.R.
Dingwall L. Bateson.
H. R. Pruddah.

EXPLANATORY NOTE

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

This Order makes certain increases in the charges authorised to be made by solicitors for conveyancing and other non-contentious business. The main alterations are—

(1) An increase from 7s. 6d. per cent. to 10s. per cent. in the scale charges of a vendor's, purchaser's, mortgagor's or mortgagee's solicitor for deducing or investigating title to unregistered land in transactions above £10,000 and the removal of the present limit whereby transactions over £100,000 are treated as if they were for that amount.

(2) An increase of 3s. 9d. per cent. in the scale charges of a mortgagee's solicitor for negotiating a loan and of half that amount in the case of a mortgagor's solicitor, and the removal of the present limit at £100,000.

(3) The replacement of the existing method of charging under Schedule II to the Solicitors' Remuneration Order, 1883 (which relates to matters to which scale charges do not apply) by a system enabling a solicitor to charge such sum as may be fair and reasonable, having regard in particular to the matters referred to in paragraphs (1) to (7) of the new Schedule II. While the right to have the bill taxed is not affected, provision has been made for the client's obtaining from the Law Society a certificate stating that the sum charged is fair and reasonable or, if it is not, what is a fair and reasonable charge: the latter, if less than the sum charged, will, in the absence of taxation, be the amount payable.

(4) The abolition of the scale charge of a vendor's or purchaser's solicitor for negotiating a sale or purchase of property by private contract, leaving the solicitor to charge under Schedule II for any negotiating work which he may have done.

(a) S.R. & O. 1934/548; Rev. XXI, p. 214; 1934 II, p. 555.