

Solicitors' Remuneration Order

S.R. No. 129/1996

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STATUTORY RULES 1996

S.R. No. 129/1996

*Supreme Court Act 1986***Solicitors' Remuneration Order**

We the Honourable GEOFFREY MICHAEL EAMES a Judge of the Supreme Court of Victoria nominated by the Chief Justice thereof, ROBERT JOHN GARLICK and RODNEY RUSSELL MADDOCK being two persons nominated by the Governor in Council, DAVID JOHN DENBY and JAMES HENRY YORK SYME being two members of the Council of the Law Institute of Victoria nominated by the said Council and being the five persons authorized in that behalf by the **Supreme Court Act 1986** do hereby in pursuance and exercise of the powers thereby conferred upon us order and direct in manner following:

1.

This Order may be cited as the Solicitors' Remuneration Order and shall come into operation on the 1st day of January 1997.

2.

This Order applies—

- (a) in the case of business to which the Second, Third and Fourth Schedule applies—to all business for which instructions are received on or after the day on which this Order comes into operation; and
- (b) in the case of any other business to which this Order applies—to all business transacted on or after the day on which this Order comes into operation.

3.

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- (1) The Solicitors' Remuneration Order Statutory Rule No. 150 of 1995 is hereby **revoked**.
- (2) Notwithstanding the revocation of the Solicitors' Remuneration Order Statutory Rule No. 150 of 1995, the provisions of that Order shall continue to apply to and in relation to business, other than business referred to in Clause 2, in all respects as if that Order had not been revoked.

4.

- (1) In this Order and in the Schedules, unless inconsistent with the context or subject-matter—
 - "Folio"** means 100 words or figures or words and figures;
 - "In print"** means in print on a form readily available for sale to the public;
 - "Document"** has the same meaning as under Section 3(1) of the **Evidence Act 1958**;
 - "Lease"** includes an agreement for a lease;
 - "Typewriting"** means the production and presentation of words figures and symbols on pages or otherwise by means of hand writing typewriting or the use of word processing equipment or any other form of mechanical or electronic production other than photocopying.
 - (2) A reference in this Order and the Schedules to the consideration is a reference—
 - (a) where the consideration relates to a matter or transaction and is not wholly monetary, to the sum of the monetary consideration and the value of the real or personal property included in the consideration that is not monetary;
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- (b) where the consideration relates to a matter or transaction comprising land and personal property, to the sum of the consideration for the land and the personal property;
 - (c) where the consideration or part of the consideration for a matter or transaction is marriage or any other consideration which is not monetary, or where there is no consideration for a matter or transaction, to the value of the subject matter of the transaction;
 - (d) where the consideration relates to a mortgage, bill of sale or stock mortgage by which a specified or ascertainable sum is secured, to the sum of the amount secured and the amount of any other specified or ascertainable sum agreed to be advanced and secured; and
 - (e) where the consideration relates to the sale of an equity of redemption—
 - (i) where the purchaser is the mortgagee and the purchaser employs the solicitor who prepared the mortgage—to the sale price; and
 - (ii) in any other case, to the sum of the consideration and the amount of any principal sum owing under the mortgage at the time of sale.
- (3) Where the consideration relates to a matter or transaction comprising land under the provisions of the **Transfer of Land Act 1958** and other land, the remuneration of the solicitor shall be apportioned according to the respective values of the properties in question and remuneration may be charged in respect of each document necessarily prepared.
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5.

- (1) The remuneration of solicitors in respect of business connected with sales, purchases, leases, mortgages, wills, settlements, formation and registration of companies, deeds of arrangement and other matters of conveyancing, including negotiating for or procuring an agreement for a loan, and in respect of other business not being business in any action or transacted in any court or in the chambers of any Judge or in the offices of the Master of the Supreme Court Prothonotary or other officer of any court and not being otherwise contentious business, shall, subject to this Order—
 - (a) where the Second, Third or Fourth Schedule applies, be in accordance with that Schedule; and
 - (b) in any other case, be in accordance with the First Schedule.
 - (2) Where the business undertaken is the whole of the work for which some charge or charges is or are prescribed by the Second or Third Schedules but is not substantially completed but this occurs at the request of or with the concurrence of the client or the client chooses to make use of any of the work done, the charges which may be made shall be a rateable part of the relevant charges prescribed by those Schedules proportionate to the extent of the work done or the work so made use of, as the case may be.
 - (3) Where the business undertaken is a portion of the work for which some charge or charges is or are prescribed by the Second or Third Schedules—
 - (a) if it is completed or substantially completed, the charge which may be made shall be a rateable part of the relevant charges
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- prescribed by those Schedules proportionate to the extent of the work so undertaken; and
- (b) if it is not completed or substantially completed, and this occurs at the request of or with the concurrence of the client, or if the client chooses to make use of any of the work done, the charges which may be made shall be a rateable part of the relevant charges prescribed by those Schedules proportionate to the extent of the work done or the work so made use of.
- (4) In all cases where matters or transactions for which charges are prescribed by the Second or Third Schedules—
- (a) involve work which in normal circumstances is not usual and necessary to complete such matter or transaction on behalf of a client, or require the consent of any Government, public authority or third party in respect of business transacted and performed, a further charge in respect thereof may be made in accordance with the First Schedule; or
 - (b) are of unusual difficulty or complexity, or involve skill or responsibility which in normal circumstances is not usual and necessary to complete the matter or transaction on behalf of a client, a further charge in respect thereof may be made which is fair and reasonable having regard to all the circumstances of the case.
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6.

The charges in Parts A and B of the First Schedule relate to ordinary cases, but in extraordinary cases the Taxing Master may increase or diminish such charges if, for any special reason, he thinks fit.

7.

In addition to the remuneration prescribed by clause 5, there may be charged—

- (a) disbursements for duties or fees payable at public offices or fees payable to municipalities or public authorities, surveyors, valuers, auctioneers or counsel, or for travelling and accommodation expenses, duty stamps, postage stamps, courier or delivery charges, the direct cost incurred on the client's behalf in the use of Lawyer's Information Network or other electronic systems of communication and other disbursements reasonably and properly incurred and paid;
 - (b) in accordance with the First Schedule—
 - (i) payments necessarily made for correspondence between solicitors where one solicitor is employed as agent; and
 - (ii) charges by an agent against his principal or such lesser amount as is reasonable having regard to the charge that the principal solicitor may be entitled to make to his client; and
 - (c) charges at the rate of \$7.80 to \$11.40 per quarter hour in respect of business necessarily transacted at the request of the client outside the normal business hours of the solicitor;
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- (d) expenses reasonably incurred in microfilming of files and the storage and retrieval of files so microfilmed.

8.

- (1) In all cases to which the remuneration prescribed by the Second or Third Schedules applies a solicitor may, within fourteen days from the time of undertaking any business, by notice in writing to his client and when any third party is obliged by contract or otherwise to pay that client's costs, by notice in writing to such third party elect to charge under the First Schedule.
- (2) Upon such election, the client may terminate the retainer and the First Schedule shall apply in respect of services rendered prior to the termination of the retainer.
- (3)(a) A third party obliged to pay a solicitor's client's costs may pay either the amount charged under the First Schedule or the amount which, but for the solicitor's election, would have been payable under the Second or Third Schedule, whichever is less, in full satisfaction of his obligation.
- (b) The client shall pay the difference between the amount charged by the solicitor and the amount payable by the third party.

9.

Where a matter or transaction to which the Second Schedule applies comprises land the title to which is a right to occupy the land as a residence area pursuant to Division 11 of Part I of the **Land Act 1958** or a licence pursuant to Section 138(1)(g) of the **Land Act 1958**, the appropriate charge shall be the charge specified in that Schedule for a

similar transaction comprising land under the provisions of the **Transfer of Land Act 1958**.

10.

(1) Where a solicitor—

- (a) is authorised by the First Schedule to make any charge in connection with the sale, purchase, transfer or conveyance of land and is also authorised by the Second Schedule to make any charge in respect of the same land and the transaction is completed at the same time for the same client; or
- (b) is authorised by the Second Schedule to make charges in respect of two or more matters or transactions relating to the same land completed at the same time for the same client—

then each charge under Part A or Part C of the Second Schedule shall be reduced by one-third or to a sum equal to the highest of those charges (before a reduction) together with the sum of \$76.70 for each additional charge, whichever is the greater.

(2) Where, in connection with any transaction to which the Second Schedule or Part A, C or D of the Third Schedule applies, a solicitor acts—

- (a) for both mortgagee and mortgagor; or
- (b) for both lessor and lessee; or
- (c) for both creditor and debtor—

the solicitor may not, in respect of the transaction, charge more than he would have been entitled to charge if he were acting only for the mortgagee, lessor or creditor as the case may be.

11.

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In respect of loans not exceeding \$110 000 where a solicitor acts for a society registered under the provisions of the **Co-operative Housing Societies Act 1958** his charge under Part A or Part C of the Second Schedule shall be reduced to 75 per cent of the charge otherwise appropriate.

12.

The Second and Third Schedules shall not apply to matters or transactions concerning any premises subject to a licence as defined in the **Liquor Control Act 1987** and, accordingly, the First Schedule shall apply to those matters or transactions.

SCHEDULES

FIRST SCHEDULE

PART A

INSTRUCTIONS

1. A charge may be made by way of instructions in addition to the items hereinafter contained in this Schedule having regard to all the circumstances of the case including the following:
 - (a) The complexity of the matter and the difficulty and novelty of the questions raised or any of them;
 - (b) The importance of the matter to the client;
 - (c) The skill, specialised knowledge and responsibility involved;
 - (d) The number and importance of the documents prepared or perused, without regard to length;
 - (e) The place where and the circumstances in which the business or any part thereof is transacted;
 - (f) The labour involved and the time spent on the business;
 - (g) The amount or value of any money or property involved; and
 - (h) The nature of the title to any land involved.

- NOTE: (1) A charge shall not be made pursuant to this item in respect of the sale, purchase or transfer of land where the consideration does not exceed \$60 000.
- (2) The charge pursuant to this item in respect of the sale, purchase or transfer of land where the consideration exceeds \$60 000 shall not exceed 0.3 per centum of the consideration.
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DRAWING

2. Any document including memoranda of instructions to counsel not in an action or a proceeding in court—
 - (a) not in print, per folio—\$10.20 to \$16.70
 - (b) partly in print, for so much as remains in print, per folio—\$5.20
 - (c) partly in print, for so much as is not in print, per folio—\$10.20 to \$16.70

Note: There are approximately 3 folios in each A4 page.

TYPEWRITING

3.
 - (1) Per folio—\$6.30
 - (2) For each carbon copy, photocopy or other machine made copy, per page—\$1.20.
4. Transmitting or receiving written material by means of the solicitor's own facsimile machine as follows:

Transmitting:

First page \$6.60

Each subsequent page \$2.30

Receiving

First page \$6.60

Each subsequent page \$1.10

PERUSING

5. When it is necessary to peruse any document or part of a document (including correspondence), whether in print or not, per folio—\$6.30.
6. When it is not necessary to peruse a document or correspondence but scanning of the document or correspondence is warranted, e.g. to determine the relevance or otherwise of the document or correspondence, per folio—\$3.20.

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LETTERS

7. Formal acknowledgment or the like, e.g. letter enclosing documents, requesting a reply, etc.—\$16.70.
8. Circular letters—i.e. letters which except for the particulars of address are identical, for each letter after the first—\$8.20.
9. Other letters—\$24.40 or such charge as is fair and reasonable having regard to items 1, 2 and 3 of this Schedule.

ATTENDANCES

10. To file, lodge or deliver any documents or other papers, to obtain an appointment or to obtain stamping of a document, to insert an advertisement, or other attendance of a similar nature capable of performance by a junior clerk—\$30.40.
 11. Making an appointment by telephone or similar telephone attendance capable of performance by a junior clerk—\$13.30.
 12. On counsel with case for opinion or other papers or to appoint consultation or conference—\$46.20.
 13. On consultation or conference with counsel—\$114.40
After the first hour, per half-hour or part thereof—\$57.20 to \$88.90.
 14. Searching title and other searches, per half-hour or part thereof—\$37.80.
 15. On settlement of a conveyancing or commercial matter—\$36.50 to \$57.20.
After the first half-hour, per half-hour or part thereof—\$57.20 to \$88.90.
 16. Attendance by telephone or otherwise requiring the personal attendance of a solicitor or his managing or senior clerk and involving the exercise of skill or legal knowledge; per quarter-hour or part thereof—\$25.60 to \$47.50.
 17. All other attendances; per quarter-hour or part thereof—\$25.60.
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PART B

JOURNEYS

18. For time spent occupied in necessary travel to and from or necessarily spent in any place whether in or outside Australia more than sixteen kilometres removed from any place of business or residence of the solicitor the charge to be made, in addition and having regard to any appropriate charges made under Part A hereof, shall be—

per hour or part thereof—\$57.20

but not exceeding for any one day—\$801.50

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SECOND SCHEDULE

PART A

MORTGAGE OF FREEHOLD OR LEASEHOLD LAND

SCALES OF CHARGES

1. Charges of *solicitor for mortgagee* in connection with mortgage of freehold or leasehold land comprising instructions, investigation of title, necessary searches, obtaining necessary certificates, preparation and perusal of documents, enquiries as to outgoings, preparation of requisitions on title, preparation of accounts, all necessary attendances and correspondence, arranging and effecting final settlement of transaction, stamping and registration of mortgage shall be—
 - (a) in the case of land under the provisions of the **Transfer of Land Act 1958**, the charges prescribed by Column 1 of Table A; and
 - (b) in the case of any other land, the charges prescribed by Column 1 of Table B.
 2. Charges of *solicitor for mortgagor* in connection with mortgage of freehold or leasehold land comprising instructions, preparation and perusal of documents, answers to requisitions on title, checking accounts, all necessary attendances and correspondence and arranging and effecting settlement of transaction, shall be—
 - (a) in the case of land under the provisions of the **Transfer of Land Act 1958**, the charges prescribed by Column 2 of Table A; and
 - (b) in the case of any other land, the charges prescribed by Column 2 of Table B.
 3. The First Schedule shall apply to a transfer of mortgage but so that the charges shall not exceed—
 - (a) in the case of land under the provisions of the **Transfer of Land Act 1958**, the charges prescribed by Column 1 of Table A; and
 - (b) in the case of any other land, the charges prescribed by Column 1 of Table B.
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Sch. 2

TABLE A

Transfer of Land Act 1958

(Column 1 Solicitor for Mortgagee.
Column 2 Solicitor for Mortgagor)

| <i>Ref. No.</i> | <i>Consideration</i> | <i>1</i> | <i>2</i> |
|-----------------|----------------------|----------|----------|
| | \$ | \$ | \$ |
| | Not exceeding— | | |
| 19 | 20 000 | 217 | 150 |
| 20 | 22 000 | 234 | 160 |
| 21 | 24 000 | 247 | 170 |
| 22 | 26 000 | 264 | 181 |
| 23 | 28 000 | 280 | 191 |
| 24 | 30 000 | 293 | 200 |
| 25 | 32 000 | 309 | 211 |
| 26 | 34 000 | 322 | 221 |
| 27 | 36 000 | 339 | 231 |
| 28 | 38 000 | 352 | 242 |
| 29 | 40 000 | 367 | 252 |
| 30 | 42 000 | 382 | 264 |
| 31 | 44 000 | 397 | 274 |
| 32 | 46 000 | 412 | 285 |
| 33 | 48 000 | 428 | 295 |
| 34 | 50 000 | 442 | 306 |
| 35 | 52 000 | 451 | 311 |
| 36 | 54 000 | 460 | 317 |
| 37 | 56 000 | 468 | 325 |
| 38 | 58 000 | 477 | 330 |
| 39 | 60 000 | 488 | 337 |
| 40 | 62 000 | 497 | 342 |
| 41 | 64 000 | 506 | 347 |
| 42 | 66 000 | 515 | 355 |
| 43 | 68 000 | 523 | 360 |
| 44 | 70 000 | 532 | 365 |
| 45 | 72 000 | 541 | 372 |
| 46 | 74 000 | 550 | 377 |
| 47 | 76 000 | 558 | 385 |
| 48 | 78 000 | 568 | 391 |
| 49 | 80 000 | 577 | 397 |
| 50 | 82 000 | 586 | 404 |
| 51 | 84 000 | 595 | 410 |
| 52 | 86 000 | 603 | 415 |
| 53 | 88 000 | 612 | 421 |

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| <i>Ref. No.</i> | <i>Consideration</i> | <i>1</i> | <i>2</i> |
|-----------------|---------------------------------|----------|----------|
| | \$ | \$ | \$ |
| | Not exceeding— | | |
| 54 | 90 000 | 621 | 426 |
| 55 | 92 000 | 631 | 432 |
| 56 | 94 000 | 638 | 439 |
| 57 | 96 000 | 647 | 446 |
| 58 | 98 000 | 657 | 452 |
| 59 | 100 000 | 667 | 458 |
| 60 | 110 000 | 697 | 477 |
| 61 | 120 000 | 727 | 498 |
| 62 | 130 000 | 757 | 520 |
| 63 | 140 000 | 787 | 541 |
| 64 | 150 000 | 816 | 560 |
| 65 | 160 000 | 846 | 581 |
| 66 | 170 000 | 876 | 602 |
| 67 | 180 000 | 906 | 621 |
| 68 | 190 000 | 936 | 642 |
| 69 | 200 000 | 966 | 662 |
| 70 | 250 000 | 1039 | 714 |
| 71 | 300 000 | 1114 | 767 |
| 72 | 350 000 | 1190 | 818 |
| 73 | 400 000 | 1264 | 868 |
| 74 | 450 000 | 1339 | 919 |
| 75 | 500 000 | 1413 | 971 |
| 76 | Over 500 000 add per 100 000 | 75 | 53 |

TABLE B

General Law

(Column 1 Solicitor for Mortgagee
Column 2 Solicitor for Mortgagor)

| <i>Ref. No.</i> | <i>Consideration</i> | <i>1</i> | <i>2</i> |
|-----------------|----------------------|----------|----------|
| | \$ | \$ | \$ |
| | Not exceeding— | | |
| 77 | 20 000 | 316 | 191 |
| 78 | 22 000 | 332 | 204 |
| 79 | 24 000 | 347 | 216 |
| 80 | 26 000 | 363 | 230 |
| 81 | 28 000 | 380 | 244 |

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| <i>Ref. No.</i> | <i>Consideration</i> | <i>1</i> | <i>2</i> |
|-----------------|----------------------|----------|----------|
| | \$ | \$ | \$ |
| | Not exceeding— | | |
| 82 | 30 000 | 395 | 256 |
| 83 | 32 000 | 412 | 269 |
| 84 | 34 000 | 428 | 281 |
| 85 | 36 000 | 445 | 295 |
| 86 | 38 000 | 460 | 309 |
| 87 | 40 000 | 476 | 321 |
| 88 | 42 000 | 491 | 334 |
| 89 | 44 000 | 507 | 347 |
| 90 | 46 000 | 523 | 360 |
| 91 | 48 000 | 538 | 374 |
| 92 | 50 000 | 555 | 387 |
| 93 | 52 000 | 563 | 395 |
| 94 | 54 000 | 573 | 404 |
| 95 | 56 000 | 585 | 411 |
| 96 | 58 000 | 593 | 420 |
| 97 | 60 000 | 603 | 426 |
| 98 | 62 000 | 612 | 436 |
| 99 | 64 000 | 621 | 442 |
| 100 | 66 000 | 632 | 450 |
| 101 | 68 000 | 641 | 458 |
| 102 | 70 000 | 650 | 465 |
| 103 | 72 000 | 658 | 475 |
| 104 | 74 000 | 668 | 481 |
| 105 | 76 000 | 677 | 490 |
| 106 | 78 000 | 688 | 497 |
| 107 | 80 000 | 698 | 506 |
| 108 | 82 000 | 707 | 512 |
| 109 | 84 000 | 718 | 521 |
| 110 | 86 000 | 727 | 528 |
| 111 | 88 000 | 736 | 537 |
| 112 | 90 000 | 744 | 545 |
| 113 | 92 000 | 755 | 553 |
| 114 | 94 000 | 766 | 560 |
| 115 | 96 000 | 774 | 568 |
| 116 | 98 000 | 784 | 576 |
| 117 | 100 000 | 793 | 585 |
| 118 | 110 000 | 826 | 608 |
| 119 | 120 000 | 857 | 636 |
| 120 | 130 000 | 888 | 662 |

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| <i>Ref. No.</i> | <i>Consideration</i> | <i>1</i> | <i>2</i> |
|-----------------|---------------------------------|----------|----------|
| | \$ | \$ | \$ |
| | Not exceeding— | | |
| 121 | 140 000 | 919 | 688 |
| 122 | 150 000 | 952 | 714 |
| 123 | 160 000 | 984 | 741 |
| 124 | 170 000 | 1017 | 767 |
| 125 | 180 000 | 1048 | 792 |
| 126 | 190 000 | 1079 | 818 |
| 127 | 200 000 | 1112 | 842 |
| 128 | 250 000 | 1190 | 909 |
| 129 | 300 000 | 1269 | 976 |
| 130 | 350 000 | 1348 | 1041 |
| 131 | 400 000 | 1429 | 1106 |
| 132 | 450 000 | 1508 | 1170 |
| 133 | 500 000 | 1586 | 1235 |
| 134 | Over 500 000 add per 100 000 | 81 | 65 |

PART B

DEED OF VARIATION OR EXTENSION OF MORTGAGE

SCALE OF CHARGES

1. Charges of *solicitor for mortgagee only* in connection with deed of agreement for variation of terms of mortgage of freehold or leasehold land including extension of date of payment, alteration of rate of interest or reduction or increase of loan comprising instructions, necessary searches, preparation and perusal of documents, investigation of title, obtaining necessary certificates, necessary inquiries as to other interests in the land, preparation of any necessary accounts, stamping and registration and all necessary attendances and correspondence in connection therewith shall be, in the case of land under the provisions of the **Transfer of Land Act 1958**, the charges prescribed by Column 1 of Table A.
2. Charges of *solicitor for mortgagor* in connection with deed of agreement for variation of terms of mortgage of freehold or leasehold land including extension of date of payment,

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alteration of rate of interest or reduction or increase of loan comprising instructions, necessary searches, preparation and perusal of documents and all necessary attendances and correspondence in connection therewith shall be, in the case of land under the provisions of the **Transfer of Land Act 1958**, the charges prescribed by Column 2 of Table A.

TABLE A

Transfer of Land Act 1958

(Column 1 Solicitor for Mortgagee. Column 2 Solicitor for Mortgagor)

| <i>Ref. No.</i> | <i>Amount of loan (if unvaried) or (if varied) the amount of the loan as varied</i> | <i>1</i> | <i>2</i> |
|-----------------|---|----------|----------|
| | \$ | \$ | \$ |
| | Not exceeding— | | |
| 135 | 20 000 | 110 | 55 |
| 136 | 35 000 | 150 | 75 |
| 137 | 50 000 | 180 | 90 |
| 138 | Over 50 000 add per 25 000 | 20 | 10 |
| 139 | Where the consent of a prior or subsequent mortgage is required in order to vary or extend the mortgage, the solicitor may in addition charge the sum of \$98.70 for each such consent. | | |

NOTE: General Law Land: Where the land secured by a mortgage is land which is not under the provisions of the **Transfer of Land Act 1958**, an additional charge of \$34.20 may be made.

PART C

DISCHARGE OF MORTGAGE OR DISCHARGE OF PART OF THE MORTGAGED LAND OR DISCHARGE OF MORTGAGE AS TO PART OF THE DEBT SECURED

SCALE OF CHARGES

1. Charges of *solicitor for mortgagee* (where no part of the debt secured is received by the solicitor) in connection with discharge of mortgage or discharge of part of the mortgaged

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freehold or leasehold land or discharge of mortgage as to part of the debt secured comprising instructions, preparation and perusal of documents (including memorandum of discharge of mortgage) and all necessary attendances and correspondence, delivery of discharge of mortgage to the mortgagor, his solicitor or agent shall be, in the case of land under the provisions of the **Transfer of Land Act 1958**, the sum of \$121.90.

- 2. Charges of solicitor for mortgagee (where the debt secured or part thereof is received by the solicitor) in connection with discharge of mortgage or discharge of part of the mortgaged freehold or leasehold land or discharge of mortgage as to part of the debt secured comprising instructions, preparation and delivery of the discharge of mortgage, receipt of amount to be discharged, perusal of documents and all necessary attendances and correspondence and effecting final settlement with mortgagor, his solicitor or agent shall be in the case of land under the provisions of the **Transfer of Land Act 1958**, the charges prescribed by Column 1 of Table A.
3. Charges of solicitor for mortgagor in connection with discharge of mortgage or discharge of part of the mortgaged freehold or leasehold land or discharge of mortgage as to part of the debt secured comprising instructions, perusal of memorandum of discharge of mortgage, registration at Office of Titles, attention to insurance policies and all necessary attendances and correspondence, and effecting final settlement with mortgagee, his solicitor or agent, shall be, in the case of land under the provisions of the **Transfer of Land Act 1958**, the charges prescribed by Column 2 of Table A.

TABLE A

Transfer of Land Act 1958

Table with 4 columns: Ref. No., Amount of Principal Debt Discharged, 1, 2. Rows include amounts \$100,000 and \$200,000 with corresponding values in columns 1 and 2.

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| <i>No.</i> | | <i>1</i> | <i>2</i> |
|------------|------------------------------|----------|----------|
| | \$ | \$ | \$ |
| | Not exceeding— | | |
| 142 | 300 000 | 300 | 250 |
| 143 | Over 300 000 add per 100 000 | 25 | 20 |

NOTE: General Law Land: Where the land secured by a mortgage is land which is not under the provisions of the **Transfer of Land Act 1958**, an additional charge of \$34.20 may be made.

THIRD SCHEDULE

MISCELLANEOUS CONVEYANCING TRANSACTIONS

PART A

LEASE OF LAND WHETHER OR NOT UNDER THE **TRANSFER OF LAND ACT 1958** BUT NOT INCLUDING BUILDING LEASES, LEASES EXCEEDING 21 YEARS, LEASES NOT CAPABLE OF BEING REDUCED TO AN ANNUAL RENTAL OR PERIODIC LEASES DETERMINABLE BY NOTICE

Scales of Charges

1. Charges of *solicitor for lessor* in connection with lease of land comprising instructions for and drawing lease, settling draft with lessee, his solicitor or agent, perusal of documents, stamping, and all necessary attendances and correspondence to effect completion of transaction—
 - (a) with material alteration (in duplicate) after amendment—shall be the charges prescribed by Column 1A; and
 - (b) without material alteration—shall be the charges prescribed by Column 1B.
2. Charges of *solicitor for lessee* in connection with lease of land comprising instructions, settling draft lease with lessor, his solicitor or agent, preparation and perusal of documents and all necessary attendances and correspondence to effect completion of transaction on behalf of lessee—
 - (a) where lease is executed after material alteration (by lessor) after amendment—shall be the charges prescribed by Column 2C; and
 - (b) where lease is executed without material alteration (by the lessor) after amendment—shall be the charges prescribed by Column 2D.

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|---------------|

| <i>Ref. No.</i> | <i>Total Rental for period of lease including premium (if any)</i> | <i>Solicitor for Lessor</i> | | <i>Solicitor for Lessee</i> | |
|-----------------|--|---------------------------------|----------|---------------------------------|----------|
| | | <i>Column 1</i> | | <i>Column 2</i> | |
| | | <i>A</i> | <i>B</i> | <i>C</i> | <i>D</i> |
| | \$ | \$ | \$ | \$ | \$ |
| | Not exceeding | | | | |
| 144 | 15 000 | 175 | 150 | 150 | 100 |
| 145 | 20 000 | 234 | 176 | 176 | 116 |
| 146 | 22 000 | 252 | 190 | 190 | 126 |
| 147 | 24 000 | 274 | 205 | 205 | 137 |
| 148 | 26 000 | 293 | 220 | 220 | 147 |
| 149 | 28 000 | 315 | 235 | 235 | 156 |
| 150 | 30 000 | 334 | 250 | 250 | 166 |
| 151 | 32 000 | 352 | 265 | 265 | 177 |
| 152 | 34 000 | 374 | 281 | 281 | 186 |
| 153 | 36 000 | 393 | 295 | 295 | 196 |
| 154 | 38 000 | 415 | 311 | 311 | 207 |
| 155 | 40 000 | 433 | 325 | 325 | 216 |
| 156 | 42 000 | 452 | 341 | 341 | 226 |
| 157 | 44 000 | 475 | 355 | 355 | 237 |
| 158 | 46 000 | 493 | 371 | 371 | 246 |
| 159 | 48 000 | 515 | 385 | 385 | 256 |
| 160 | 50 000 | 533 | 400 | 400 | 267 |
| 161 | 52 000 | 546 | 410 | 410 | 274 |
| 162 | 54 000 | 558 | 417 | 417 | 280 |
| 163 | 56 000 | 571 | 426 | 426 | 285 |
| 164 | 58 000 | 582 | 437 | 437 | 290 |
| 165 | 60 000 | 595 | 446 | 446 | 296 |
| 166 | 62 000 | 607 | 455 | 455 | 304 |
| 167 | 64 000 | 618 | 463 | 463 | 309 |
| 168 | 66 000 | 631 | 472 | 472 | 316 |
| 169 | 68 000 | 642 | 481 | 481 | 321 |
| 170 | 70 000 | 655 | 490 | 490 | 326 |
| 171 | 72 000 | 667 | 498 | 498 | 334 |
| 172 | 74 000 | 679 | 507 | 507 | 339 |
| 173 | 76 000 | 690 | 516 | 516 | 346 |
| 174 | 78 000 | 702 | 527 | 527 | 351 |
| 175 | 80 000 | 714 | 536 | 536 | 356 |
| 176 | 82 000 | 727 | 545 | 545 | 363 |
| 177 | 84 000 | 738 | 553 | 553 | 369 |
| 178 | 86 000 | 749 | 562 | 562 | 376 |
| 179 | 88 000 | 762 | 572 | 572 | 381 |

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| Ref. No. | Total Rental for period of lease including premium (if any) | Solicitor for Lessor | | Solicitor for Lessee | |
|----------|---|-------------------------|------|-------------------------|-----|
| | | Column 1 | | Column 2 | |
| | | A | B | C | D |
| | \$ | \$ | \$ | \$ | \$ |
| | Not exceeding | | | | |
| 180 | 90 000 | 774 | 581 | 581 | 386 |
| 181 | 92 000 | 787 | 590 | 590 | 393 |
| 182 | 94 000 | 798 | 598 | 598 | 398 |
| 183 | 96 000 | 811 | 607 | 607 | 406 |
| 184 | 98 000 | 822 | 616 | 616 | 411 |
| 185 | 100 000 | 833 | 625 | 625 | 416 |
| 186 | 110 000 | 874 | 655 | 655 | 437 |
| 187 | 120 000 | 914 | 685 | 685 | 456 |
| 188 | 130 000 | 953 | 716 | 716 | 477 |
| 189 | 140 000 | 993 | 746 | 746 | 497 |
| 190 | 150 000 | 1034 | 776 | 776 | 517 |
| 191 | 160 000 | 1074 | 806 | 806 | 537 |
| 192 | 170 000 | 1114 | 836 | 836 | 556 |
| 193 | 180 000 | 1153 | 866 | 866 | 577 |
| 194 | 190 000 | 1193 | 896 | 896 | 597 |
| 195 | 200 000 | 1234 | 924 | 924 | 616 |
| 196 | 250 000 | 1334 | 1001 | 1001 | 667 |
| 197 | Over 250 000 add per 200 000 | 100 | 75 | 75 | 51 |

NOTE: Charges of solicitor for lessor in connection with a disclosure statement made pursuant to S7 of the Retail Tenancies Act including instructions for and drawing of the disclosure statement, instructions for and drawing of the notice of objection, perusal of all documents and all attendances and correspondence necessary in negotiations on the disclosure statement are not included in Columns A and B and the solicitor may charge additional remuneration in respect thereof in accordance with the First Schedule.

198. If the document used (irrespective of the number of folios)—
- (a) is in print, the charge of a solicitor shall be two-thirds of the charges prescribed by Columns B or D; or
 - (b) is in a form prepared by a solicitor for a lessor for use in connection with five or more leases of premises forming part of the same building or development—the charge of a solicitor for the lessor for each such

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lease shall be two-thirds of the charges prescribed by Column B.

199. The charges of a solicitor upon the renewal of a lease pursuant to an option for renewal contained in an existing lease shall be two-thirds of the charge prescribed by Columns B or D.
200. Where a solicitor has made a charge under Column 1 or Column 2 with respect to an agreement for lease and then he or any other solicitor acts in connection with a lease entered into pursuant to such agreement for lease then the charge for such lease shall be in accordance with the First Schedule.

PART B

STOCK MORTGAGE AND LIEN ON WOOL OR LIEN ON CROP

Scale of Charges

1. Charges of *solicitor for both creditor and debtor* in connection with stock mortgage, lien on wool or lien on crop comprising instructions, preparation and perusal of documents, searches, attention to adjustment account (if any) and all necessary attendances and correspondence to complete transaction on behalf of creditor and debtor shall be the charges prescribed by Column 1.
2. Charges of *solicitor for creditor only* in connection with stock mortgage, lien on wool or lien on crop comprising instructions, preparation and perusal of documents, searches, attention to adjustment account (if any) and all necessary attendances and correspondence to complete transaction on behalf of creditor shall be the charges prescribed by Column 2.
3. Charges of *solicitor for debtor only* in connection with stock mortgage, lien on wool or lien on crop comprising instructions, preparation and perusal of documents, attention to adjustment account (if any), searches and all necessary attendances, and correspondence to complete transaction on behalf of debtor shall be the charges prescribed by Column 3.

| <i>Ref. No.</i> | <i>Consideration</i> | <i>1</i> | <i>2</i> | <i>3</i> |
|-----------------|----------------------|----------|----------|----------|
| | \$ | \$ | \$ | \$ |
| | Not exceeding— | | | |

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| <i>Ref. No.</i> | <i>Consideration</i> | <i>1</i> | <i>2</i> | <i>3</i> |
|-----------------|----------------------|----------|----------|----------|
| | \$ | \$ | \$ | \$ |
| | Not exceeding— | | | |
| 201 | 10 000 | 125 | 99 | 81 |
| 202 | 12 000 | 137 | 109 | 88 |
| 203 | 14 000 | 151 | 120 | 96 |
| 204 | 16 000 | 165 | 130 | 105 |
| 205 | 18 000 | 177 | 140 | 114 |
| 206 | 20 000 | 191 | 150 | 124 |
| 207 | 22 000 | 204 | 160 | 131 |
| 208 | 24 000 | 216 | 170 | 140 |
| 209 | 26 000 | 230 | 181 | 147 |
| 210 | 28 000 | 244 | 191 | 156 |
| 211 | 30 000 | 256 | 200 | 165 |
| 212 | 32 000 | 269 | 211 | 174 |
| 213 | 34 000 | 281 | 221 | 181 |
| 214 | 36 000 | 295 | 231 | 190 |
| 215 | 38 000 | 309 | 242 | 199 |
| 216 | 40 000 | 321 | 252 | 207 |
| 217 | 42 000 | 334 | 264 | 215 |
| 218 | 44 000 | 347 | 274 | 222 |
| 219 | 46 000 | 360 | 285 | 231 |
| 220 | 48 000 | 374 | 295 | 241 |
| 221 | 50 000 | 387 | 306 | 247 |
| 222 | 52 000 | 395 | 311 | 252 |
| 223 | 54 000 | 404 | 317 | 257 |
| 224 | 56 000 | 411 | 325 | 264 |
| 225 | 58 000 | 420 | 330 | 269 |
| 226 | 60 000 | 426 | 337 | 274 |
| 227 | 62 000 | 436 | 342 | 280 |
| 228 | 64 000 | 442 | 347 | 285 |
| 229 | 66 000 | 450 | 355 | 290 |
| 230 | 68 000 | 458 | 360 | 295 |
| 231 | 70 000 | 465 | 365 | 300 |
| 232 | 72 000 | 475 | 372 | 306 |
| 233 | 74 000 | 481 | 377 | 311 |
| 234 | 76 000 | 490 | 385 | 315 |
| 235 | 78 000 | 497 | 391 | 320 |
| 236 | 80 000 | 506 | 397 | 325 |
| 237 | 82 000 | 512 | 404 | 330 |
| 238 | 84 000 | 521 | 410 | 335 |
| 239 | 86 000 | 528 | 415 | 341 |
| 240 | 88 000 | 537 | 421 | 346 |

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| <i>Ref. No.</i> | <i>Consideration</i> | <i>1</i> | <i>2</i> | <i>3</i> |
|-----------------|---|----------|----------|----------|
| | \$ | \$ | \$ | \$ |
| | Not exceeding— | | | |
| 241 | 90 000 | 545 | 426 | 350 |
| 242 | 92 000 | 553 | 432 | 355 |
| 243 | 94 000 | 560 | 439 | 360 |
| 244 | 96 000 | 568 | 446 | 365 |
| 245 | 98 000 | 576 | 452 | 371 |
| 246 | 100 000 | 585 | 458 | 376 |
| 247 | Over 100 000—such additional charge as is reasonable having regard to the responsibility involved in and the complexity of the transaction. | | | |

NOTE: The charges prescribed in Column 1 shall only apply where Rule 10 of the Solicitors (Professional Conduct and Practice) Rules 1984 made pursuant to the **Legal Profession Practice Act 1958** does not prohibit the solicitor from acting for both creditor and debtor.

PART C

RENEWAL OF BILL OF SALE

Scale of Charges

1. Charges of *solicitor for creditor* in connection with the renewal of a bill of sale comprising instructions, preparation and perusal of documents and all necessary attendances and correspondence shall be the charges prescribed by Column 1.
2. Charges of *solicitor for debtor* in connection with renewal of bill of sale comprising instructions, perusals and all necessary attendances and correspondence shall be the charges prescribed by Column 2.

| <i>Ref. No.</i> | <i>Consideration</i> | <i>1</i> | <i>2</i> |
|-----------------|----------------------|----------|----------|
| | \$ | \$ | \$ |
| | Not exceeding— | | |
| 248 | 10 000 | 51 | 30 |
| 249 | 14 000 | 56 | 31 |
| 250 | 18 000 | 61 | 35 |
| 251 | 22 000 | 65 | 39 |
| 252 | 26 000 | 70 | 42 |

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| <i>Ref. No.</i> | <i>Consideration</i> | <i>1</i> | <i>2</i> |
|-----------------|----------------------|----------|----------|
| | \$ | \$ | \$ |
| | Not exceeding— | | |
| 253 | 30 000 | 75 | 44 |
| 254 | 34 000 | 81 | 47 |
| 255 | 38 000 | 86 | 49 |
| 256 | 42 000 | 91 | 53 |
| 257 | 46 000 | 95 | 56 |
| 258 | 50 000 | 100 | 60 |
| 259 | Exceeding 50 000 | 100 | 60 |

PART D

SATISFACTION OR DISCHARGE OF BILL OF SALE OR
STOCK MORTGAGE

Scale of Charges

1. Charges of *solicitor for creditor* in connection with satisfaction or discharge of a bill of sale or stock mortgage comprising preparation and perusal of documents (including memorandum of satisfaction or discharge) and all necessary attendances and correspondence and effecting final settlement with debtor, his solicitor or agent shall be the charges prescribed by Column 1.
2. Charges of *solicitor for debtor* in connection with satisfaction or discharge of a bill of sale or stock mortgage comprising instructions, perusal of memorandum of satisfaction or discharge, registration and all necessary attendances and correspondence and effecting final settlement with creditor, his solicitor or agent shall be the charges prescribed by Column 2.

| <i>Ref. No.</i> | <i>Consideration</i> | <i>1</i> | <i>2</i> |
|-----------------|----------------------|----------|----------|
| | \$ | \$ | \$ |
| | Not exceeding— | | |
| 260 | 10 000 | 51 | 30 |
| 261 | 14 000 | 56 | 31 |
| 262 | 18 000 | 61 | 35 |
| 263 | 22 000 | 65 | 39 |
| 264 | 26 000 | 70 | 42 |
| 265 | 30 000 | 75 | 44 |

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| <i>Ref. No.</i> | <i>Consideration</i> | <i>1</i> | <i>2</i> |
|-----------------|----------------------|----------|----------|
| | \$ | \$ | \$ |
| | Not exceeding— | | |
| 266 | Exceeding 30 000 | 75 | 44 |

PART E

**TRANSMISSION APPLICATION UNDER THE TRANSFER OF
LAND ACT 1958**

- 267. Charges of solicitor in connection with an application by a trustee, executor or administrator to be registered as proprietor of real estate or mortgage, including instructions, checking title identity, preparation of application, necessary attendances and correspondence and registration—\$154.60.
- 268. For each additional certificate of title or mortgage produced beyond the first title or mortgage referred to in the application—\$14.60.

PART F

SURVIVORSHIP APPLICATION

- 269. Charges of solicitor in connection with an application by a survivor of joint proprietors to be registered as proprietor of real estate or mortgage, including instructions, checking title identity, preparation of application and declaration, necessary attendances and correspondence and registration—\$171.80.
- 270. For each additional certificate of title or mortgage produced beyond the first title or mortgage referred to in the application—\$14.60.

PART G

PRODUCTION FEE

- 271. For production of Crown grants, certificates of title, title deeds, or other documents in the possession of the solicitor of the person entitled to the custody thereof at such solicitor's office or at the Office of Titles, Office of the Registrar-General or elsewhere, including, where necessary, endorsement of an order to register—
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for not more than two Crown grants, certificates of title, chains of title deeds, or other documents—
\$97.50.

for each additional Crown grant, certificate of title, chain of title deeds, or other document beyond the second—\$14.60.

FOURTH SCHEDULE

PART A

**NEGOTIATING FOR OR PROCURING AN AGREEMENT FOR A
LOAN WHEN THE MONEY IS IN FACT LENT AND THE
SOLICITOR IS NEITHER THE LENDER NOR ONE OF THE
LENDERS**

272. In respect of money lent upon the security of real or leasehold estate or personal property—one per centum upon the amount lent.

NOTE: If a solicitor negotiates for or procures an agreement for the renewal of a loan he shall not in respect thereof be entitled to charge remuneration in accordance with this item and his charge shall be 0.5 per centum upon the amount of the renewed loan.

273. (1) If a solicitor negotiates for or procures an agreement for a loan for his client being the borrower or mortgagor through the agency of any person (other than a solicitor) to whom a procuration fee is payable then he shall only be entitled to remuneration in accordance with the First Schedule in respect of negotiating for or procuring such agreement.

(2) If a solicitor negotiates for or procures an agreement for a loan for his client being the borrower or mortgagor through the agency of another solicitor then the remuneration provided by item 272 shall be divided between the solicitors, two-thirds being payable to the solicitor for the mortgagee and one-third to the solicitor for the mortgagor.

274. The remuneration prescribed under item 272 or 273 shall not include disbursements reasonably incurred in travelling from any place of business and home respectively of such solicitor and disbursements otherwise reasonably incurred in the inspection of the property mortgaged or charged and in procuring the agreement for the loan which disbursements may be charged in addition to the remuneration so prescribed.

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PART B

FOR NEGOTIATING FOR OR PROCURING AN AGREEMENT
FOR A LOAN WHEN THE MONEY IS IN FACT LENT AND THE
SOLICITOR OR THE SOLICITOR'S NOMINEE COMPANY IS
EITHER THE LENDER OR ONE OF THE LENDERS

275. When the solicitor, or a nominee company of which the solicitor or a partner of the solicitor is a director, is either the lender or one of the lenders no remuneration shall be charged for negotiating or procuring the loan, except in the following cases:
- (a) when the solicitor arranges and obtains the loan from a person for whom he acts and subsequently by arrangement with his client lends the money and executes or signs the security in his own name or the name of a nominee company of which he or his partner is a director, he or such nominee company being in fact trustee or agent for the person aforesaid; or
 - (b) when the solicitor contributes portion of the money in fact lent, and arranges and obtains the remaining portion from another person not being his partner as a solicitor, not being a co-trustee with him in relation to the money lent.
276. In either of the foregoing cases a charge for negotiating or procuring an agreement for a loan may be made at the rate prescribed in Part A in respect of the amount so obtained from such other person.

NOTE: If a solicitor negotiates for or procures an agreement for the renewal of a loan from such other person he shall not in respect thereof be entitled to charge remuneration in accordance with item 272 and his charge shall be 0.5 per centum upon the amount of the renewed loan.

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Dated this 7th day of November 1996.

GEOFFREY M. EAMES J.

R. J. GARLICK

R. R. MADDOCK

D. J. DENBY

J. H. Y. SYME
