



Administration of Justice (Scotland) Act 1933

1933 CHAPTER 41 23 and 24 Geo 5

PART V

MISCELLANEOUS

37 Agreements between solicitors as to sharing fees.

- (1) An agreement between solicitors acting for the same client to share fees or profits shall be lawful if the following conditions are complied with but not otherwise:—
- (i) The share payable under the agreement, by the solicitor to whom the fees or profits are due, to the other solicitor shall not exceed one-third.
 - (ii) The solicitor to whom such share is payable shall, not later than the time when he renders his account to the client, inform the client of the terms of the agreement.
 - (iii) The solicitor to whom such share is payable shall make no charge against the client for communications or correspondence with the other solicitor in the matter of the business to which the agreement relates.
 - (iv) The fees or profits to be shared under the agreement shall not include any charge in respect of clerk's writings.
- (2) Section forty-one of the ^{M1}Solicitors (Scotland) Act 1933, in so far as it relates to the legality of agreements between solicitors acting for the same client is hereby repealed.

Marginal Citations

M1 1933 c. 21.

38 Amendment of 58 & 59 Vict. c. 36. s. 5(4). 6 Edw. 7 c. 35.

F1

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice (Scotland) Act 1933, Part V. (See end of Document for details)

Textual Amendments

F1 S. 38 repealed (1.3.1977) by Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c. 14), ss. 8(2), 10(5), **Sch. 2**; S.I. 1977/190, art. 2

39 Repeal.

The enactments mentioned in the Schedule to this Act shall be repealed to the extent specified in the third column of that schedule: Provided that any Act of Sederunt in force at the passing of this Act made under any enactment so repealed shall have effect as if it had been made under this Act.

40 Interpretation.

In this Act unless the context otherwise requires:—

“The Court” means the Court of Session, and, in any provision conferring a power on the Court with regard to a cause before it, “the Court” includes a reference to a division of the Inner House or to the Lord Ordinary.

“The Lord President” means the Lord President of the Court of Session.

The expression “cause” includes any petition, action, case, or proceeding whatsoever competent in the Court.

^{F2}

The “Act of 1868” means the ^{M2}Court of Session Act 1868.

The expression “solicitor” has the like meaning as in the ^{M3}Solicitors (Scotland) Act 1933, provided that for the purpose of the construction of any provision of this Act with reference to any time prior to the first day of March, nineteen hundred and thirty-four, any reference to a solicitor shall be construed as a reference to a law agent as defined in the ^{M4}Law Agents (Scotland) Act 1873.

The expression “General Council of Solicitors in Scotland” means the General Council of Solicitors in Scotland constituted under the Solicitors (Scotland) Act 1933.

“Prescribed” means prescribed by Act of Sederunt under this Act.

Textual Amendments

F2 Definition repealed by Court of Session Act 1988, (c. 36, SIF 36:1), s. 52(2), Sch. 2 Pt. I

Marginal Citations

- M2** 1868 c. 100.
- M3** 1933 c. 21.
- M4** 1873 c. 63.

41 Extent short title and commencement.

(1) This Act shall extend to Scotland only, and may be cited as the Administration of Justice (Scotland) Act 1933.

^{F3}(2)

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice (Scotland) Act 1933, Part V. (See end of Document for details)

- (3) Any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the date when that provision comes into operation.

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Textual Amendments

F3 S. 41(2), Sch. repealed by Statute Law Revision Act 1950 (c. 6)

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice (Scotland) Act 1933, Part V.