



Solicitors (Scotland) Act 1980

1980 CHAPTER 46

PART II

RIGHT TO PRACTISE AS A SOLICITOR

Restriction on rights of practising

26 Offence for solicitors to act as agents for unqualified persons.

- (1) Any solicitor to whom this subsection applies who [^{F1}or incorporated practice which] upon the account or for the profit of any unqualified person—
- (a) acts as agent in any action or proceedings in any court, or
 - (b) permits or suffers his [^{F1}or, as the case may be, its] name to be made use of in any way in any such action or proceedings; or
 - (c) [^{F2}subject to subsection (4),] draws or prepares any writ to which section 32 applies, or
 - (d) [^{F3}subject to subsection (4),] permits or suffers his [^{F1}or, as the case may be, its] name to be made use of in the drawing or preparing of any such writ; or
 - (e) does any other act to enable that person to appear, act or practise in any respect as a solicitor or notary public,

knowing that person not to be a qualified solicitor or notary public, as the case may be, shall be guilty of an offence.

- (2) Subsection (1) applies to any solicitor [^{F4}, registered foreign lawyer][^{F5}or registered European lawyer pursuing professional activities within the meaning of the European Communities (Lawyer's Practice) (Scotland) Regulations 2000], not being a solicitor [^{F4}, registered foreign lawyer][^{F5}or registered European lawyer pursuing professional activities within the meaning of the European Communities (Lawyer's Practice) (Scotland) Regulations 2000]who is employed full-time on a fixed salary by a body corporate [^{F6}or employed by a law centre.]

- (3) In this section “person” includes a body corporate [^{F7}but “unqualified person” does not include an incorporated practice][^{F8}, registered foreign lawyer, multi national

Status: Point in time view as at 01/10/2004.

Changes to legislation: Solicitors (Scotland) Act 1980, Cross Heading: Restriction on rights of practising is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

practice]]^{F9} or a registered European lawyer pursuing professional activities within the meaning of the European Communities (Lawyer's Practice) (Scotland) Regulations 2000].

[^{F10}(4) Subsection (1)(c) and (d) shall not apply in relation to—

- (a) writs relating to heritable or moveable property drawn or prepared upon the account of or for the profit of independent qualified conveyancers providing conveyancing services within the meaning of section 23 (interpretation of sections 16 to 22) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990; or
- (b) papers to found or oppose an application for a grant of confirmation in favour of executors drawn or prepared upon the account of or for the profit of an executry practitioner or recognised financial institution providing executry services within the meaning of the said section 23.]

Textual Amendments

- F1** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, **Sch. 1 Pt. I para. 4(a)**
- F2** Words inserted in s. 26(1)(a) (1.3.1997 for all purposes except in relation to a recognised financial institution) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, **Sch. 8 Pt. II para. 29(5)(a)**; S.I. 1966/2894, art. 3, **Sch.** as amended by S.I. 1996/2966, **art. 2**
- F3** Words inserted in s. 26(1)(d) (1.3.1997 for all purposes except in relation to a recognised financial institution) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, **Sch. 8 Pt. II para. 29(5)(b)**; S.I. 1966/2894, art. 3, **Sch.** as amended by S.I. 1996/2966, **art. 2**
- F4** Words in s. 26(2) inserted (1.10.2004) by The Solicitors (Scotland) Act 1980 (Foreign Lawyers and Multi-national Practices) Regulations (S.S.I. 2004/383), {reg. 4}
- F5** Words in s. 26(2) inserted (22.5.2000) by S.S.I. 2000/121, regs. 1(1), 37(1), **Sch. 1 para. 1(6)(a)**
- F6** Words inserted in s.26(2) (17.3.1993) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, **Sch. 8 Pt. II para. 29(5)(c)**; S.I. 1993/641, art. 3, **Sch.**
- F7** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, **Sch. 1 Pt. I para. 4(b)**
- F8** Words in s. 26(3) inserted (1.10.2004) by The Solicitors (Scotland) Act 1980 (Foreign Lawyers and Multi-national Practices) Regulations (S.S.I. 2004/383), {reg. 4}
- F9** Words in s. 26(3) inserted (22.5.2000) by S.S.I. 2000/121, regs. 1(1), 37(1), **Sch. 1 para. 1(6)(b)**
- F10** S. 26(4) inserted (1.3.1997 for all purposes except in relation to a recognised financial institution) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, **Sch. 8 Pt. II para. 29(5)(d)**; S.I. 1966/2894, art. 3, **Sch.** as amended by S.I. 1996/2966, **art. 2**

Modifications etc. (not altering text)

- C1** S. 26 amended (17.5.2004) by S.I. 1978/1910, art. 18(2), **Sch. Pt. 3** (as amended by The European Communities (Services of Lawyers) Amendment (Scotland) Order (S.S.I. 2004/186), {art. 7(c)})

^{F11}27

Textual Amendments

- F11** S. 27 repealed (17.3.1993) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74, **Sch. 9**; S.I. 1993/641, **art. 3**, Sch.

Status: Point in time view as at 01/10/2004.

Changes to legislation: Solicitors (Scotland) Act 1980, Cross Heading: Restriction on rights of practising is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

28 Offence for solicitors who are disqualified to seek employment without informing employer.

Any person who—

- (a) has been struck off the roll; or
- (b) suspended from practice as a solicitor ^[F12]; or
- (c) has had his registration as a registered European lawyer withdrawn; or
- (d) has been suspended from practice as a registered European lawyer^[F13]; or
- (e) has had his registration as a registered foreign lawyer withdrawn; or
- (f) has been suspended from practice as a registered foreign lawyer,

and while so disqualified from practice seeks or accepts employment by a solicitor in connection with that solicitors practice ^[F14]or by an incorporated practice^[F15]or multi-national practice^[F16] without previously informing him ^[F16]or, as the case may be, it that he is so disqualified, shall be guilty of an offence.

Textual Amendments

- F12** S. 28(c)(d) and the preceding word “or” inserted (22.5.2000) by S.S.I. 2000/121, regs. 1(1), 37(1), Sch. 1 para. 1(7)
- F13** S. 28(e)(f) and preceding word inserted (1.10.2004) by The Solicitors (Scotland) Act 1980 (Foreign Lawyers and Multi-national Practices) Regulations (S.S.I. 2004/383), {reg. 5}
- F14** Words inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, Sch. 1 Pt. I para. 6(a)
- F15** Words in s. 28 inserted (1.10.2004) by The Solicitors (Scotland) Act 1980 (Foreign Lawyers and Multi-national Practices) Regulations (S.S.I. 2004/383), {reg. 5}
- F16** Words inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, Sch. 1 Pt. I para. 6(b)

^{F17}29

Textual Amendments

- F17** S. 29 repealed (30.9.1991) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 c. 40, ss. 39, 74(2), Sch. 9; S.I. 1991/2151, art. 3, Sch.

30 Liability for fees of other solicitor.

Where a solicitor ^[F18]or an incorporated practice^[F19], authorised by and acting for a client employs another solicitor ^[F19]or incorporated practice^[F20] he ^[F20]or, as the case may be, it shall (whether or not he ^[F20]or, as the case may be, it) discloses the client) be liable to the other solicitor ^[F19]or incorporated practice^[F21] for that other solicitor’s ^[F21]or incorporated practice’s] fees and outlays, unless at the time of the employment he ^[F20]or, as the case may be, it expressly disclaims any such liability.

Textual Amendments

- F18** Words inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, Sch. 1 Pt. I para. 7(a)

Status: Point in time view as at 01/10/2004.

Changes to legislation: *Solicitors (Scotland) Act 1980, Cross Heading: Restriction on rights of practising is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F19** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. I para. 7\(b\)](#)
- F20** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. I para. 7\(c\)](#)
- F21** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 76:2\)](#), s. 56, [Sch. 1 Pt. I para. 7\(d\)](#)

Modifications etc. (not altering text)

- C2** [S. 30](#) applied (with modifications) (1.10.2004) by [The Solicitors \(Scotland\) Act 1980 \(Foreign Lawyers and Multi-national Practices\) Regulations \(S.S.I. 2004/383\)](#), {reg. 13}

Status:

Point in time view as at 01/10/2004.

Changes to legislation:

Solicitors (Scotland) Act 1980, Cross Heading: Restriction on rights of practising is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.