



# Solicitors (Scotland) Act 1980

## 1980 CHAPTER 46

### PART II

#### RIGHT TO PRACTISE AS A SOLICITOR

##### *Restriction on rights of practising*

#### [<sup>F1</sup>27] **Offence for solicitors to share fees with unqualified persons.**

- (1) Subject to subsection (2) any solicitor [<sup>F2</sup>or incorporated practice] who shares with an unqualified person any profits or fees derived from any solicitor's business transacted by him [<sup>F2</sup>or, as the case may be, it] shall be guilty of an offence.
- (2) Subsection (1) does not apply to a solicitor [<sup>F3</sup>or incorporated practice] sharing the profits or fees derived from such a business with—
  - (a) a person who has ceased to practice as a solicitor if such share—
    - (i) is in respect of the price or value of the business transferred by that person to him [<sup>F3</sup>or, as the case may be, to it]; or
    - (ii) is a voluntary or other allowance made to that person as a former partner in the business [<sup>F3</sup>or former director of the incorporated practice]; or
  - (b) the widow, heirs, executors, representatives, next of kin, or dependents of any deceased solicitor who was a partner in the business [<sup>F3</sup>or, as the case may be, a director or member of the incorporated practice] at the date of his death, or whose business he [<sup>F3</sup>or, as the case may be, it] has purchased or succeeded to; or
  - (c) any clerk or assistant who is wholly employed by him [<sup>F3</sup>or, as the case may be, it] if such share is a salary partly or wholly paid on the basis of a percentage of those profits; or
  - (d) any public officer if such share is in respect of work done in the course of his duty; or

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

**Changes to legislation:** Solicitors (Scotland) Act 1980, Section 27 is up to date with all changes known to be in force on or before 25 July 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)

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(e) a person qualified to act as a solicitor in some part of the United Kingdom other than Scotland or in any British possession if such share is paid in accordance with an agreement between them for sharing fees.

(3) In paragraph (e) of subsection (2), “British possession” means any part of Her Majesty’s dominions outside the United Kingdom as at 1st March 1934.]

#### Textual Amendments

- F1** S. 27 repealed (*prosp.*) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), ss. 74, 75(2), **Sch. 9**
- F2** Words inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, **Sch. 1 Pt. I para. 5(a)**
- F3** Words inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 76:2), s. 56, **Sch. 1 Pt. I para. 5(b)**

**Status:**

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