



# Solicitors (Scotland) Act 1980

## 1980 CHAPTER 46

### PART III

#### PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS

##### *Powers of Council to intervene*

#### **42 Distribution of sums in client bank account**

- (1) Subject to the provisions of this section, where, in any of the events mentioned in subsection (2), the sum at the credit of any client account kept by a solicitor (or where several such accounts are kept by him the total of the sums at the credit of those accounts) is less than the total of the sums received by him in the course of his practice on behalf of his clients and remaining due by him to them, then, notwithstanding any rule of law to the contrary, the sum at the credit of the client account (or where several such accounts are kept, the total of the sums at the credit of those accounts) shall be divisible proportionately among the clients of the solicitor according to the respective sums received by him in the course of his practice on their behalf and remaining due by him to them.
- (2) The events to which subsection (1) applies are in relation to any solicitor—
  - (a) the sequestration of his estate;
  - (b) the granting by him of a trust deed for behoof of creditors ;
  - (c) the appointment of a judicial factor on his estate.
- (3) Where a solicitor keeps an account at a bank in his own name for a specified client no regard shall be had for the purposes of this section to the sum at the credit of that account or to any sums received by the solicitor in the course of his practice on behalf of that client and remaining due by him to that client, so far as these are represented by the sum at the credit of that bank account.
- (4) For the purposes of this section any reference to an account at a bank includes a reference to a deposit receipt at a bank.