



Administration of Justice (Scotland) Act 1933

1933 CHAPTER 41

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 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1933, in so far as it relates to the legality of agreements between solicitors acting for the same client is hereby repealed.

38 Amendment of 58 and 59 Vict. c. 36, s. 5(4)

- (1) Where the evidence adduced at any inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895, or under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906, shall have been taken down in shorthand, it shall, notwithstanding anything in subsection (4) of section five of the first-mentioned Act, not be necessary that such evidence be afterwards written out unless the sheriff shall

so direct ex proprio motu or on application made to him not later than one month after the close of the inquiry by any person appearing or entitled to appear at the inquiry.

- (2) This section shall come into operation on the passing of this Act.

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The enactments mentioned in the Schedule to this Act shall be repealed to the extent specified in the third column of that schedule : Provided that any Act of Sederunt in force at the passing of this Act made under any enactment so repealed shall have effect as if it had been made under this Act.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

The expression " consistorial cause " has the meaning assigned to the expression " consistorial action" by the Conjugal Rights (Scotland) Amendment Act, 1861.

The " Act of 1868 " means the Court of Session Act, 1868.

The expression " solicitor " has the like meaning as in the 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 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.

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.
- (2) Save as otherwise expressly provided, this Act shall come into operation on such day or days not later than the ninth day of October, nineteen hundred and thirty-four, as the Secretary of State, after consultation with the Lord President, may appoint, and the Secretary of State may, after such consultation, appoint different days for different purposes and different provisions of this Act.
- (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.