

*These notes relate to the Legal Profession and Legal Aid  
(Scotland) Act (asp 5) which received Royal Assent on 19 January  
2007 (asp 5) which received Royal Assent on 19 January 2007*

# **LEGAL PROFESSION AND LEGAL AID (SCOTLAND) ACT (ASP 5) WHICH RECEIVED ROYAL ASSENT ON 19 JANUARY 2007**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Schedule 4: Further powers of relevant professional organisations under section 48***

227. **Schedule 4** provides powers for relevant professional organisations to obtain documents by court order where either a practitioner or a complainer has refused or failed to produce or deliver them. Where such an order has been granted and the professional organisation takes possession of the documents, the organisation must without delay serve on the practitioner or the complainer from whom they were obtained a notice giving particulars and the date on which it took possession.
228. Before the expiry of 14 days from the date on which that notice was served, the practitioner or complainer may apply to the Court of Session for an order for return of the documents; and on hearing such an application the court may make the order applied for or such other order as it thinks fit. Where no such application is made to the court or where the court has directed that the documents should stay in the custody or control of the relevant professional organisation, the organisation may in due course make enquiries to ascertain who the documents belong to and deal with the documents in accordance with the directions of that person.