



# Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

## PART 2

### CONDUCT AND SERVICES COMPLAINTS ETC.: OTHER MATTERS

#### **48 Conduct complaints and reviews: power of relevant professional organisations to examine documents and demand explanations**

- (1) Where a relevant professional organisation is satisfied that it is necessary for it to do so for the purposes of an investigation by it into a conduct complaint under section 47 or a review by it of a decision in relation to a conduct complaint, it may—
- (a) give notice in writing in accordance with subsection (2) to the practitioner, the practitioner's firm or, as the case may be, the employing practitioner;
  - (b) give notice in writing in accordance with subsection (4) to the complainer.
- (2) Notice under subsection (1)(a) may require—
- (a) the production or delivery to any person appointed by the relevant professional organisation, at a time and place specified in the notice, of all documents mentioned in subsection (3) which are in the possession or control of the practitioner, the firm or, as the case may be, the employing practitioner and which relate to the matters to which the complaint relates (whether or not they relate also to other matters);
  - (b) an explanation, within such period being not less than 21 days as the notice specifies, from the practitioner, the firm or, as the case may be, the employing practitioner regarding the matters to which the complaint relates.
- (3) The documents are—
- (a) all books, accounts, deeds, securities, papers and other documents in the possession or control of the practitioner, the firm or, as the case may be, the employing practitioner;
  - (b) all books, accounts, deeds, securities, papers and other documents relating to any trust of which the practitioner is the sole trustee or a co-trustee only with one or more of the practitioner's partners or employees or, as the case may be, where the practitioner is an incorporated practice of which the practice or one

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**Changes to legislation:** *Legal Profession and Legal Aid (Scotland) Act 2007, Section 48 is up to date with all changes known to be in force on or before 26 May 2023. 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) View outstanding changes*

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of its employees is a sole trustee or it is a co-trustee only with one or more of its employees.

- (4) Notice under subsection (1)(b) may require—
- (a) the production or delivery to any person appointed by the relevant professional organisation at a time and place specified in the notice, of all documents mentioned in subsection (5) which relate to the matters to which the complaint relates (whether or not they relate to other matters);
  - (b) an explanation, within such period being not less than 21 days as the notice specifies, from the complainer regarding the matters to which the complaint relates.
- (5) The documents are all books, accounts, deeds, securities, papers and other documents in the possession or control of the complainer.
- (6) Schedule 4 makes further provision about the powers of a relevant professional organisation under this section.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 2(6)(ba) inserted by [2010 asp 16 s. 118\(4\)](#)