



# Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

## CHAPTER 40

### LAW REFORM (MISCELLANEOUS PROVISIONS) (SCOTLAND) ACT 1990

#### PART I

#### CHARITIES

##### *Recognition of charities*

- 1 Information as to recognised charities.
- 2 Non-recognised bodies.
- 3 Designated religious bodies.

##### *Charities accounts*

- 4 Duty to keep accounting records.
- 5 Annual accounts and report.

##### *Supervision of charities*

- 6 Powers of Lord Advocate to investigate charities and to suspend trustees.
- 7 Powers of Court of Session to deal with management of charities.
- 8 Disqualification of persons concerned in the management or control of recognised bodies.

##### *Reorganisation of public trusts*

- 9 Reorganisation of public trusts by the court.
- 10 Small trusts.

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- 11 Expenditure of capital.

*Dormant charities*

- 12 Dormant accounts of charities in banks, etc.

*Miscellaneous*

- 13 Appointment of trustees.  
14 Alteration of purposes and winding-up of charitable companies.

*Interpretation*

- 15 Interpretation of Part I, regulations and orders.

**PART II**

LEGAL SERVICES

*Conveyancing and executry services*

- 16 Regulation by the Law Society of conveyancing and executry services  
17 Conveyancing practitioners.  
18 Executry practitioners.  
19 Executry services by recognised financial institutions.  
20 Professional misconduct, ... etc.  
20ZA Remission of complaint by Tribunal to Council  
20ZB Unsatisfactory professional conduct  
20ZC Unsatisfactory professional conduct: Council's powers to monitor compliance with direction under section 20ZB(4)  
20ZD Report by Commission to Council under section 10(2)(e) of the 2007 Act: Council's powers  
20ZE Direction under section 20ZD(1): appeal by practitioner  
20A Review of decisions  
20B Unsatisfactory professional conduct: powers of Tribunal on appeal  
20C Unsatisfactory professional conduct: enforcement of Council direction  
20D Unsatisfactory professional conduct: appeal from decisions of Tribunal  
20E Unsatisfactory professional conduct: powers of court on appeal  
21 Council's intervention powers.  
21A Powers of investigation  
21B Procedures of the Tribunal etc.  
21C Compensation fund  
22 Disclosure of documents etc.  
23 Interpretation of sections 16 to 22.

*Rights of audience*

- 24 Rights of audience in the Court of Session, the House of Lords, the Judicial Committee of the Privy Council and the High Court of Justiciary.  
25 Rights to conduct litigation and rights of audience.  
26 Consideration of applications made under section 25.  
27 Exercise of rights to conduct litigation and rights of audience.  
28 Surrender of rights to conduct litigation and rights of audience.  
29 Revocation of rights granted under section 26.

- 30 Regulation of right of English, Welsh and Northern Irish practitioners to practise in Scotland.

*Rules of conduct*

- 31 Rules of conduct etc.

*Multi-national practices*

- 32 Multi-national practices.

*Complaints in relation to legal services*

- 33 Complaints in relation to legal services.

*Scottish legal services ombudsman*

- 34 Scottish legal services ombudsman.  
34A Ombudsman's final report and recommendations.  
34B Advisory functions of ombudsman.

*Judicial appointments*

- 35 Judicial appointments.

*Solicitors' and counsel's fees*

- 36 Solicitors' and counsel's fees.

*Miscellaneous and supplementary*

- 37 Admission of solicitors and notaries public.  
38 Availability of legal aid in relation to services provided under this Act.  
39 Removal of certain restrictions on the borrowing of the court process.  
40 Advisory and supervisory functions of the CMA  
41 Investigatory powers of the CMA  
41A Enforcement of notices under section 41  
41B Altering, etc. documents required to be produced under section 41  
42 Review of rules approved by the Secretary of State.  
43 Functions of Director in relation to certain rules made under the 1980 Act.  
44 Interpretation of Part II.

**PART III**

THE LICENSING (SCOTLAND) ACT 1976

- ... The Licensing (Scotland) Act 1976

**PART IV**

MISCELLANEOUS REFORMS

*Evidence by children in criminal trials*

- 56 Evidence of children through television link in criminal proceedings.  
57 Transfer of cases in which child's evidence is to be given through television link.  
58 Identification of accused by child.

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- 59 Interpretation of sections 56, 57 and 58.

*Sheriff court jurisdiction*

- 60 Criminal jurisdiction of sheriff court.

*Treatment of offenders*

- 61 Probation and community service orders and supervision and care of persons on probation or released from prison etc.  
62 Supervised attendance orders as alternative to imprisonment on fine default.

*Drug trafficking confiscation orders*

- 63 Registration and enforcement of external confiscation orders.

*Matrimonial interdicts*

- 64 Matrimonial interdicts.

*Homelessness*

- 65 Homelessness.

*Arbitration*

- 66 UNCITRAL Model Law on International Commercial Arbitration.

*Judicial factors*

- 67 Further provision as to discharge of judicial factors.

*Avoidance of civil liability by non-contractual notice*

- 68 Amendment of Unfair Contract Terms Act 1977.

*Liability in respect of services to injured persons*

- 69 Future services to injured person.

*Blood and other samples in civil proceedings*

- 70 Blood and other samples in civil proceedings.

*Powers of attorney*

- 71 Effect of mental incapacity on powers of attorney etc.

*Execution of documents by companies*

- 72 Execution of documents by companies.

**PART V**

**GENERAL**

- 73 Finance.  
74 Amendments and repeals.  
75 Citation, commencement and extent.

## SCHEDULES

### SCHEDULE 1 — Scottish Conveyancing and Executry Services Board Part I — CONSTITUTION, DUTIES, POWERS AND STATUS

#### *Constitution*

- 1 Scottish Conveyancing and Executry Services Board
- 2 Scottish Conveyancing and Executry Services Board
- 3 Scottish Conveyancing and Executry Services Board
- 4 Scottish Conveyancing and Executry Services Board
- 5 Scottish Conveyancing and Executry Services Board
- 6 Scottish Conveyancing and Executry Services Board

#### *Remuneration*

- 7 Scottish Conveyancing and Executry Services Board

#### *Staff*

- 8 Scottish Conveyancing and Executry Services Board
- 9 Scottish Conveyancing and Executry Services Board

#### *Proceedings*

- 10 Scottish Conveyancing and Executry Services Board

#### *Performance of functions*

- 11 Scottish Conveyancing and Executry Services Board
- 12 Scottish Conveyancing and Executry Services Board

#### *Accounts*

- 13 Scottish Conveyancing and Executry Services Board

#### *Annual report*

- 14 Scottish Conveyancing and Executry Services Board

#### *Appeals*

- 15 Scottish Conveyancing and Executry Services Board

#### *Compensation*

- 16 Scottish Conveyancing and Executry Services Board

#### *Parliamentary disqualification*

- 17 Scottish Conveyancing and Executry Services Board
- Part II — POWERS OF INVESTIGATION
- 18 Scottish Conveyancing and Executry Services Board
- 19 Scottish Conveyancing and Executry Services Board
- 20 Scottish Conveyancing and Executry Services Board

### SCHEDULE 2 — Publication of applications made under section 25

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- 1 Any professional or other body making an application under section...
- 2 Any person may make written representations concerning any draft scheme...
- 3 At the same time as an application under section 25...
- 4 An advertisement such as referred to in paragraph 3 above...

SCHEDULE 3 — Scottish Legal Services Ombudsman  
 ... Scottish Legal Services Ombudsman

SCHEDULE 4 — Judicial Appointments

*Appointments of sheriffs principal, sheriffs and solicitors as judges of the Court of Session*

- 1 The following categories of person shall, in accordance with this...
- 2 Paragraph 1(a) above shall not confer any eligibility for appointment...
- 3 Paragraphs 1 and 2 above are without prejudice to any...

*Further provision as to Inner House and exchequer causes*

- 4 (1) The Court of Session Act 1988 shall be amended...

*Temporary judges*

- 5 Temporary judges
- 6 Temporary judges
- 7 Temporary judges
- 8 Temporary judges
- 9 Temporary judges
- 10 Temporary judges
- 11 Temporary judges

*Amendments to the Small Landholders (Scotland) Act 1911 (c.49)*

- 12 .....

SCHEDULE 5 — Applications for Children’s Certificates  
 ... Applications for Children’s Certificates

SCHEDULE 6 —

- 1 (1) A court shall not make a supervised attendance order...
- 2 (1) A supervised attendance order shall— (a) specify the locality...
- 3 (1) An offender in respect of whom a supervised attendance...
- 4 (1) If at any time while a supervised attendance order...
- 5 (1) Where a supervised attendance order is in force in...
- 6 (1) The Secretary of State may make rules for regulating...
- 7 The Secretary of State shall lay before Parliament each year,...
- 8 In section 27 of the Social Work (Scotland) Act 1968...
- 9 (1) In this Schedule— “the appropriate court”, in relation to...

SCHEDULE 7 — UNCITRAL

...

...

...

SCHEDULE 8 — Amendment of Enactments  
Part I — AMENDMENTS TO THE LICENSING (SCOTLAND) ACT 1976  
.. Amendments to the Licensing (Scotland) Act 1976  
Part II — MISCELLANEOUS

*The Probate and Legacy Duties Act 1808 (c. 149)*

19 In section 38 of the Probate and Legacy Duties Act...

*The Confirmation of Executors (Scotland) Act 1823 (c. 98)*

20 (1) In section 3 of the Confirmation of Executors (Scotland)...

*The Judicial Factors Act 1849 (c. 51)*

21 (1) In section 5 (factor to lodge monies in one...

*The Confirmation of Executors (Scotland) Act 1858 (c. 56)*

22 (1) In section 2 of the Confirmation of Executors (Scotland)...

*The Promissory Oaths Act 1868 (c. 72)*

23 In the second part of the Schedule to the Promissory...

*The Intestates Widows and Children (Scotland) Act 1875 (c. 41)*

24 (1) In section 3 of the Intestates Widows and Children...

*The Small Testate Estates (Scotland) Act 1876 (c. 24)*

25 (1) In section 3 of the Small Testate Estates (Scotland)...

*The Sheriff Courts (Scotland) Act 1971 (c.58)*

26 (1) For subsection (1) of section 33 (Sheriff Court Rules...

*The Criminal Procedure (Scotland) Act 1975 (c. 21)*

27 (1) The Criminal Procedure (Scotland) Act 1975 shall be amended...

*The Community Service by Offenders (Scotland) Act 1978 (c. 49)*

28 In section 4 of the Community Service by Offenders (Scotland)...

*The Solicitors (Scotland) Act 1980 (c. 46)*

29 (1) The Solicitors (Scotland) Act 1980 shall be amended as...

*The Criminal Justice (Scotland) Act 1980 (c. 62)*

30 (1) For section 76 of the Criminal Justice (Scotland) Act...

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*The Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59)*

31 (1) In section 6(3)(e) of the Matrimonial Homes (Family Protection)...

*The Representation of the People Act 1983 (c. 2)*

32 Section 42(3)(b) of the Representation of the People Act 1983...

*The Companies Act 1985 (c. 6)*

33 .....

*The Family Law (Scotland) Act 1985 (c.37)*

34 In section 8(1) of the Family Law (Scotland) Act 1985...

*The Insolvency Act 1986 (c. 45)*

35 Section 53(3) of the Insolvency Act 1986 (execution of instrument...

*The Legal Aid (Scotland) Act 1986 (c. 47)*

36 (1) In subsection (3) of section 4 (Scottish Legal Aid...

*The Criminal Justice (Scotland) Act 1987 (c. 41)*

37 In section 6(1) of the Criminal Justice (Scotland) Act 1987...

*The Court of Session Act 1988 (c. 36)*

38 For section 48 (limited right of audience of solicitor before...

*The Antarctic Minerals Act 1989 (c. 21)*

39 .....

SCHEDULE 9 — Repeals



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**Changes and effects yet to be applied to :**

- s. 1(4)-(6) repealed by [2005 asp 10 sch. 4 para. 7\(a\)\(i\)](#)
- s. 1(7) words repealed by [2005 asp 10 sch. 4 para. 7\(a\)\(ii\)](#)
- s. 44 word omitted by [2013 c. 24 Sch. 6 para. 51\(b\)](#)
- Sch. 6 para. 8(b) repealed by [2004 asp 8 Sch. 5](#)

**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):

- s. 21A(1)(c) words substituted by [2007 asp 5 Sch. 5 para. 3\(7\)\(a\)\(iii\)](#)
- s. 33(6) inserted by [2007 asp 5 Sch. 5 para. 3\(11\)](#)