



Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

1990 CHAPTER 40

PART II

LEGAL SERVICES

Conveyancing and executry services

[^{F1}21A Powers of investigation

- (1) The Council may exercise the power conferred by subsection (3) below for [^{F2}the purpose of]
 - ^{F3}(a)
 - ^{F3}(b)
 - (c) consideration by the Council whether to exercise the powers conferred on them by section 21 of this Act.
- (2) [^{F4}The Tribunal] may exercise the power conferred by subsection (3) below for any of the following purposes—
 - (a) an inquiry under subsection (2A) of section 20 of this Act; and
 - (b) an appeal under subsection [^{F5}(8A)(b), (11)(b) or (11ZC)] of that section.
- (3) The Council or, as the case may be, the Tribunal may give notice in writing to a practitioner specifying the subject matter of their investigation and requiring either or both of the following—
 - (a) the production or delivery to any person appointed by the Council or, as the case may be, the Tribunal, at a time and place specified in the notice, of such documents so specified as are in the possession or control of the practitioner and relate to the subject matter of the investigation;
 - (b) an explanation, within such period being not less than 21 days as the notice may specify, from the practitioner regarding the subject matter of the investigation.

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Section 21A is up to date with all changes known to be in force on or before 06 July 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](#)

- (4) If a practitioner fails to comply with a notice under subsection (3)(a) above, the Council or, as the case may be, the Tribunal may apply to the Court of Session for an order requiring him to produce or deliver the documents to the person appointed at the place specified in the notice within such time as the court may order.]

Textual Amendments

- F1** Ss. 21A-21C inserted (15.8.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003](#) (asp 4), s. 21(2), **Sch. 4 para. 12(9)**; S.S.I. 2003/384, art. 2(d)
- F2** Words in s. 21A(1) substituted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), **Sch. 5 para. 3(7)(a)(i)** (with s. 77); S.S.I. 2008/311, art. 2(i)
- F3** S. 21A(1)(a)(b) and word repealed (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), **Sch. 5 para. 3(7)(a)(ii)** (with s. 77); S.S.I. 2008/311, art. 2(i)
- F4** Words in s. 21A(2) substituted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), **Sch. 5 para. 3(7)(b)(i)** (with s. 77); S.S.I. 2008/311, art. 2(i)
- F5** Words in s. 21A(2)(b) substituted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), **Sch. 5 para. 3(7)(b)(ii)** (with s. 77); S.S.I. 2008/311, art. 2(i)

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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):

- 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\(11\)](#)