



Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

1990 CHAPTER 40

PART II

LEGAL SERVICES

Conveyancing and executry services

[^{F1}21B Procedures of [^{F2}the Tribunal]etc.

- (1) Paragraphs 7 to 9, 11, 13 to 15 and 18A to 22 of Schedule 4 to the Solicitors (Scotland) Act 1980 (c. 46) (which make provision as to certain powers and procedures of [^{F3}the Tribunal]) apply in relation to complaints made against conveyancing and executry practitioners as they apply in relation to complaints against solicitors, but as if—
 - ^{F4}(a) in paragraph 9(a)(i) and (b), the words “or, as the case may be, of provision of inadequate professional services” were omitted;]
 - (b) in paragraphs 9 and 19, the references to Part IV of that Act were references to sections 20 and 21A of this Act.
- (2) Paragraphs 7, 8, 11, 13 to 15 and 18A to 22 of that Schedule to that Act apply in relation to any appeal under subsection [^{F5}(8A)(b), (11)(b) or (11ZC)] of section 20[^{F6}, 20ZB(9), (10), (11) or (12) or 20ZE(1)] of this Act as they apply, by virtue of subsection (1) above, in relation to any complaint against conveyancing and executry practitioners, and—
 - (a) the modifications made to those paragraphs by paragraph 23(a), [^{F7}(ca), (cc), (cd)] and (d) of that Schedule apply for the purposes of that application of those paragraphs; and
 - (b) paragraphs 24 and 25 of that Schedule apply in relation to any such appeal as they apply in relation to an appeal to which those paragraphs apply, but as if the reference in paragraph 24 to Part IV of that Act were a reference to sections 20 and 21A of this Act [^{F8}and as regards paragraph 25 also as if

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Section 21B is up to date with all changes known to be in force on or before 12 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

for the words “ the solicitor, the firm of solicitors or, as the case may be, the incorporated practice ” there were substituted “ the practitioner ”].

- (3) In the case of a decision by [^{F9}the Tribunal]—
- (a) to take any of the steps set out in subsection (2B) of section 20 of this Act; or
 - (b) in an appeal under subsection [^{F10}(8A)(b), (11)(b) or (11ZC)] of that section, subsection (4) below applies.
- (4) Where this subsection applies and—
- (a) no appeal has been made to the [^{F11}court] under subsection (11A) [^{F12}(11B), (11C) or (11D)] of section 20 of this Act against the decision; or
 - (b) such an appeal has been made but has—
 - (i) been withdrawn; or
 - (ii) resulted in the Tribunal’s decision being upheld,
 the clerk of the Tribunal shall send to the Council a copy of the decision of the Tribunal certified by him and the decision of the [^{F11}court] in any such appeal.
- (5) If the decision of the Tribunal so certified is to suspend or revoke the registration of the practitioner under paragraph (a) of subsection (2B) of section 20 of this Act, the Council shall—
- (a) give effect to the decision; and
 - (b) cause a note of the effect of the decision to be entered against the name of the practitioner in the register of conveyancing practitioners or, as the case may be, of executry practitioners.]

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. 21B heading substituted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), [Sch. 5 para. 3\(8\)\(a\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)
- F3** Words in s. 21B(1) substituted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), [Sch. 5 para. 3\(8\)\(b\)\(i\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)
- F4** S. 21B(1)(a) substituted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), [Sch. 5 para. 3\(8\)\(b\)\(ii\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)
- F5** Words in s. 21B(2) substituted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), [Sch. 5 para. 3\(8\)\(c\)\(i\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)
- F6** Words in s. 21B(2) inserted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), [Sch. 5 para. 3\(8\)\(c\)\(ii\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)
- F7** Words in s. 21B(2)(a) substituted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), [Sch. 5 para. 3\(8\)\(c\)\(iii\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)
- F8** Words in s. 21B(2)(b) inserted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), [Sch. 5 para. 3\(8\)\(c\)\(iv\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)
- F9** Words in s. 21B(3) substituted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), [Sch. 5 para. 3\(8\)\(d\)\(i\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)
- F10** Words in s. 21B(3)(b) substituted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), [Sch. 5 para. 3\(8\)\(d\)\(ii\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)
- F11** Word in s. 21B(4) substituted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), [Sch. 5 para. 3\(8\)\(e\)\(i\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)
- F12** Words in s. 21B(4)(a) inserted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007](#) (asp 5), s. 82(2), [Sch. 5 para. 3\(8\)\(e\)\(ii\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)

Changes to legislation:

Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Section 21B is up to date with all changes known to be in force on or before 12 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.

[View outstanding changes](#)

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\(11\)](#)