



Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

1990 CHAPTER 40

PART II

LEGAL SERVICES

Conveyancing and executry services

23 Interpretation of sections 16 to 22.

In sections 16 to 22 of this Act and this section, except where the context otherwise requires—

^{F1} ...

[^{F2} “complainer” means the person who made the complaint and, where the complaint was made by the person on behalf of another person, includes that other person;]

[^{F3} “conveyancing practitioner” means a person registered under section 17 in the register of conveyancing practitioners;]

“conveyancing services” means the preparation of writs, contracts and other documents in connection with the transfer of heritable property and loans secured over such property, and services ancillary thereto^{F4}, including (in the case of independent conveyancing practitioners) relevant notarial services], but does not include any services—

- (a) relating to the arranging of a loan; or
- (b) falling within section 1(1)(a) of the ^{M1}Estate Agents Act 1979;

[^{F5} “the Council” means the Council of the Law Society of Scotland;]

[^{F6} “the court” means the Court of Session;]

“executry practitioner” means a person registered under section 18 in the register of executry practitioners;

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Section 23 is up to date with all changes known to be in force on or before 19 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

“executry services” means the drawing and preparation of papers on which to found or oppose an application for a grant of confirmation of executors and services in connection with the administration, ingathering, distribution and winding up of the estate of a deceased person by executors, but does not include anything which constitutes [^{F7}carrying on a regulated activity within the meaning of the Financial Services and Markets Act 2000];

^{F8} ...

[^{F9} “ independent conveyancing practitioner ” means a conveyancing practitioner whose entry in the register of conveyancing practitioners has been annotated to that effect under section 17(1B);]

“practitioner” means an executry practitioner or a [^{F10}conveyancing practitioner];

^{F11} ...

^{F12} ... [^{F13}and

“ relevant notarial services ” means the functions exercisable by independent conveyancing practitioners by virtue of section 14(1) and (2) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4).]

[^{F14} “ the Tribunal ” means the Scottish Solicitors' Discipline Tribunal;]

[^{F14} “ unsatisfactory professional conduct ” has the meaning given (as respects a conveyancing practitioner or, as the case may be, an executry practitioner) by section 46 of the 2007 Act]

Textual Amendments

- F1** Definition in s. 23 repealed (15.8.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), s. 21(2), [Sch. 4 para. 12\(11\)\(a\)](#); S.S.I. 2003/384, art. 2(d)
- F2** Definition "complainer" in s. 23 inserted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), s. 82(2), [Sch. 5 para. 3\(9\)\(a\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)
- F3** Definition "conveyancing practitioner" in s. 23 inserted (15.8.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), s. 21(2), [Sch. 4 para. 12\(11\)\(b\)](#); S.S.I. 2003/384, art. 2(d)
- F4** Words in s. 23 inserted (15.8.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), s. 21(2), [Sch. 4 para. 12\(11\)\(c\)](#); S.S.I. 2003/384, art. 2(d)
- F5** Definition "the Council" in s. 23 inserted (15.8.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), s. 21(2), [Sch. 4 para. 12\(11\)\(d\)](#); S.S.I. 2003/384, art. 2(d)
- F6** Definition "the court" in s. 23 inserted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), s. 82(2), [Sch. 5 para. 3\(9\)\(b\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)
- F7** Words in the definition of “executry services” in s. 23 substituted (1.12.2001) by S.I. 2001/3649, [arts. 1, 233](#)
- F8** Definition in s. 23 repealed (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), s. 82(2), [Sch. 5 para. 3\(9\)\(c\)](#) (with s. 77); S.S.I. 2008/311, art. 2(i)
- F9** Definition in s. 23 substituted (15.8.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), s. 21(2), [Sch. 4 para. 12\(11\)\(e\)](#); S.S.I. 2003/384, art. 2(d)
- F10** Words in s. 23 substituted (15.8.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), s. 21(2), [Sch. 4 para. 12\(11\)\(f\)](#); S.S.I. 2003/384, art. 2(d)
- F11** Definition in s. 23 repealed (15.8.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), s. 21(2), [Sch. 4 para. 12\(11\)\(g\)](#); S.S.I. 2003/384, art. 2(d)
- F12** Definition in s. 23 and word preceding it repealed (15.8.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), s. 21(2), [Sch. 4 para. 12\(11\)\(h\)](#); S.S.I. 2003/384, art. 2(d)
- F13** Definition "relevant notarial services" in s. 23 added (15.8.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), s. 21(2), [Sch. 4 para. 12\(11\)\(i\)](#); S.S.I. 2003/384, art. 2(d)

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Section 23 is up to date with all changes known to be in force on or before 19 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](#)

F14 Definitions "the Tribunal" and "unsatisfactory professional conduct" in s. 23 inserted (1.10.2008) by [Legal Profession and Legal Aid \(Scotland\) Act 2007 \(asp 5\)](#), s. 82(2), **Sch. 5 para. 3(9)(d)** (with s. 77); S.S.I. 2008/311, art. 2(i)

Commencement Information

II S. 23 wholly in force at 1.4.1991 see s. 75(2) and [S.I. 1991/822](#), art. 3, [Schedule](#).

Marginal Citations

M1 [1979 c. 38](#).

Changes to legislation:

Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Section 23 is up to date with all changes known to be in force on or before 19 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\(11\)](#)