



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART II

LEGAL SERVICES

Extension of conveyancing services

48 Investigations on behalf of the Board

- (1) If it appears to the Board desirable to do so—
 - (a) in connection with the discharge of any of its functions; and
 - (b) in the interests of customers or potential customers of an authorised practitioner,it may appoint one or more competent persons (“the investigators”) to investigate and report to it on the state and conduct of the affairs of that authorised practitioner.
- (2) The Board shall give written notice of any such appointment to the authorised practitioner concerned.
- (3) If the investigators think it necessary for the purposes of their investigation, they may also investigate the affairs of any qualified person who is acting, or has acted, on behalf of the authorised practitioner (so far as concerns the provision of conveyancing services on behalf of the authorised practitioner), after giving the qualified person written notice of their investigation.
- (4) Any investigation under this section of the affairs of—
 - (a) any institution which is authorised by the Bank of England under Part I of the Banking Act 1987, to carry on a deposit-taking business;
 - (b) any building society which is authorised to raise money from its members by the Building Societies Commission under section 9 of the Building Societies Act 1986; or
 - (c) any insurance company which is authorised under section 3 or 4 of the Insurance Companies Act 1982,

Status: This is the original version (as it was originally enacted).

shall be subject to such direction (if any) given by the Lord Chancellor with a view to limiting the scope of the investigation to matters concerned with the provision of conveyancing services.

- (5) Any such direction may be general or be given with respect to a particular investigation.
- (6) It shall be the duty of every person whose affairs are being investigated and of any officer or employee of his—
 - (a) to produce to the investigators, within such time and at such place as they may reasonably require, all documents relating to the provision of conveyancing services by the practitioner which are in that person's custody or power;
 - (b) to provide the investigators, within such time as they may require, with such information as they may reasonably require with respect to the provision of those services; and
 - (c) to give the investigators such assistance in connection with the investigation as he is reasonably able to give.
- (7) The investigators may take copies of, or extracts from, any document produced to them under subsection (6).
- (8) This section applies in relation to a former authorised practitioner or former qualified person as it applies in relation to an authorised practitioner or qualified person.
- (9) Any person who, without reasonable excuse, fails to produce any document, or provide any information, which it is his duty to produce under subsection (6) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level five on the standard scale.
- (10) Any person who, in response to any requirement imposed on him under this section, knowingly or recklessly provides any information or explanation or makes any statement which is false or misleading in a material particular shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (11) Nothing in this section shall compel the production by an authorised practitioner or qualified person acting on his behalf of a document containing a privileged communication made by him or to him in that capacity.