



Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

1990 CHAPTER 40

PART II

LEGAL SERVICES

Miscellaneous and supplementary

41 Investigatory powers of the [F¹CMA]

- (1) For the purpose of investigating any matter under section 40 of this Act, the [F²CMA] may by notice in writing—
- (a) require any person to produce to [F³the CMA] or to any person appointed by [F³the CMA] for the purpose, at a time and place specified in the notice, any documents which are specified or described in the notice and which—
 - (i) are in that person's custody or under that person's control; and
 - (ii) relate to any matter relevant to the investigation; or
 - (b) require any person carrying on any business to furnish to [F³the CMA] (within such time and in such manner and form as the notice may specify) such information as may be specified or described in the notice.
- (2) A person shall not be required under this section to produce any document or disclose any information which he would be entitled to refuse to produce or disclose on the grounds of confidentiality between a client and his professional legal adviser in any civil proceedings.

F⁴(3)

Textual Amendments

F1 Word in s. 41 heading substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 49\(3\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Section 41 is up to date with all changes known to be in force on or before 11 August 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](#)

- F2** Word in s. 41(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 49(2)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Word in s. 41(1)(a)(b) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 49(2)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** S. 41(3) repealed (20.6.2003) by The Enterprise Act 2002 (Consequential and Supplemental Provisions) Order 2003 (S.I. 2003/1398), art. 1, **Sch. para. 12(2)**

Commencement Information

- I1** S. 41 wholly in force at 30.9.1991 see s. 75(2) and s.I. 1991/2151, art. 3, Sch.

Changes to legislation:

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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\(11\)](#)