



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

The Right Hon Lord Carloway
Lord President of the Court of Session

Email only

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9 November 2023

Dear Lord Carloway,

Regulation of Legal Services (Scotland) Bill

The Delegated Powers and Law Reform Committee has been scrutinising the delegated powers in the above Bill at Stage 1.

In the course of its scrutiny, the Committee has taken oral evidence from Esther Robertson, the Law Society of Scotland and the Faculty of Advocates on 24 October ([Official Report](#)) and the Minister for Victims and Community Safety on 7 November ([Official Report](#)).

You will see from the Official Reports, that while the Law Society of Scotland and the Faculty of Advocates asked for a number of the powers to be removed in their entirety from the Bill, they suggested others could be amended so as only to be used once the Lord President's consent has been obtained.

The Minister also made a number of commitments, both in her oral evidence to the Committee, and in [this letter to the lead committee](#) to:

- (a) transfer the responsibility for delivery of certain of those functions [regulation-making powers] to the Lord President as the head of the judiciary in relation to a number of the delegated powers; and

(b) introduce amendments that would require the Lord President's consent to be gained before any changes are made by Scottish Ministers through regulations in relation to other delegated powers.

In their evidence to the Committee, Scottish Government Officials also commented: "As we are altering the delivery of certain provisions so that they move from ministers to the Lord President, our discussions have predominantly taken place with the Lord President's office."

And in direct response to a question asking if "the Lord President is happy with the extension of those powers?", the Committee was told: "Engagement is continuing in respect of those provisions. We hope to reach consensus on the way forward."

In relation to this Bill, the Delegated Powers and Law Reform Committee seeks your view on the appropriateness of the proposals to involve the Lord President's Office through (a) the proposed transfer of regulation-making powers from Ministers to the Lord President, and (b) the introduction of a consent requirement, which could act as a "veto" over Ministers introducing new measures.

The Committee would appreciate a response in relation to the above question by **3pm on Friday 17 November.**

Yours sincerely,

Stuart McMillan MSP
Convener of the Delegated Powers and Law Reform Committee