



The Scottish Parliament  
Pàrlamaid na h-Alba

Siobhian Brown MSP  
Minister for Victims and Community  
Safety

Equalities, Human Rights and Civil Justice  
Committee  
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*Via email only*

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24 November 2023

Dear Minister

### **Regulation of Legal Services (Scotland) Bill**

Over the course of its scrutiny of the Regulation of Legal Services (Scotland) Bill, the Equalities, Human Rights and Civil Justice Committee has heard concerns from witnesses about provisions in the Bill which they consider could impinge upon the independence of the legal profession.

You will recall the Committee wrote to you on Friday 6 October following its consideration of your letter dated 27 September in which you indicated your intention to bring forward amendments at stage 2 with a view to addressing such concerns.

We note your response of 27 October, in which you state “planned changes to the Bill will take time to work through” and that you will “provide the Committee with an update on developments” when you appear before us on Tuesday 5 December.

The Committee notes, however, that there remain significant concerns about any changes to provisions in the Bill. Notably, as well as these concerns having been expressed directly to this Committee, they have been raised with the Delegated Powers and Law Reform Committee, both during oral evidence sessions and through correspondence.

We note in particular the letter of 17 November from the Lord President of the Court of Session to the DPLR Committee in which he states that “discussions with the Government about its proposals to amend the Bill are at an early stage” and that “much more information will be needed about the detail” of

any proposed changes before any assessment can be made about whether they would alleviate the senior judiciary's concerns.

We have also noted the letter of 20 November from the Law Society of Scotland to the DPLR Committee, which acknowledges that recent meetings between the Law Society and the Scottish Government have been "highly constructive". They stress, though, that they "have not yet seen any draft amendments" which means "it is not possible" for them to know whether proposed changes to provisions in the Bill will address their concerns.

The [DPLR Committee's report](#) was published yesterday (Thursday 23 November). While it welcomes your willingness to respond to concerns raised by stakeholders it makes clear that it has "found it challenging to meaningfully report on a number of delegated powers in the Bill given that it is aware the powers are likely to change, but it does not have information on exactly how they might change, or have full access to stakeholder views on those changes".

This Committee recognises those challenges.

It is for us as lead Committee to recommend to the Parliament whether or not to agree to the general principles of the Bill. As it currently stands, given that any proposed changes are likely to significantly alter the Bill, without having sight of proposed amendments to the Bill, it will be very difficult for us to make any firm recommendation.

As such, the Committee would welcome sight of any draft amendments in advance of your appearance before us on 5 December. While we recognise these may not be in their final form it would be very helpful for our scrutiny to understand exactly how these will affect the Bill. We would also very much welcome some clarity as to the timescales the Scottish Government is working to, and the extent and progress of discussions with stakeholders.

Yours sincerely

Kaukab Stewart MSP  
Convener  
Equalities, Human Rights and Civil Justice Committee