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Convener, Equalities, Human Rights and Civil Justice
Committee
The Scottish Parliament
Edinburgh
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Via: ehrcj.committee@parliament.scot

27 September 2023

Dear Convener

Regulation of Legal Services (Scotland) Bill

I write to you in respect of the Regulation of Legal Services (Scotland) Bill (“the Bill”) which will provide for a modern regulatory framework designed to promote competition and innovation while also improving the transparency and accountability of legal services regulation and the legal complaints system in Scotland.

There are many benefits the Bill will bring to both the legal sector and consumers of legal services and we want to ensure it strikes the right balance between the various interests.

Throughout the development of the Bill the Scottish Government has been committed to working collaboratively with all interested parties, including the legal sector and those representing the consumer interest and we will continue to do so during the Bill’s passage through Parliament.

We are aware and have discussed with some stakeholders, including the senior judiciary, their concerns about certain provisions in the Bill relating to the role of Scottish Ministers in the regulation of legal services which they consider could impinge upon the independence of the legal profession¹.

¹ In particular, ss. 5, 8, 19, 20, 29, 41 & 49 of the Bill.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot
Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot



I have considered carefully these concerns and therefore wanted to let the Committee know in advance of it taking oral evidence, that it is my intention to bring forward amendments to the Bill at stage 2 intended to address the concerns in respect of the role placed on Scottish Ministers within the Bill.

I will be happy to update the Committee further when I meet with you later this year.

SIOBHIAN BROWN

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