Deputy First Minister and Cabinet Secretary for
Finance and Local Government
Leas-Phrìomh Mhinistear agus Rùnaire a' Chaibineit
airson Ionmhas agus Riaghaltas Ionadail
Jenny Gilruth MSP

T: 0300 244 4000
E: scottish.ministers@gov.scot

Scottish Government
Riaghaltas na h-Alba
gov.scot

Finance and Public Administration Committee
The Scottish Parliament
Edinburgh
EH99 1SP

10th November

Dear Convener,

Thank you again for the opportunity to give evidence on the Public Office (Accountability) Bill on 7 October.

During that session, I undertook to provide further information to the Committee regarding the UK Government's intended use of the guidance making powers under clause 11 and the regulation-making powers under clause 16, including how the consent of Scottish Ministers would be sought in relation to those powers. I remain committed to writing to the Committee on those matters once further detail becomes available from the UK Government.

In the meantime, I am able to provide additional information in relation to the financial implications of the legal aid provisions in the Bill.

As discussed during the evidence session, the provisions of the Bill relating to legal aid would allow Scottish Ministers through secondary legislation to make non-means-tested legal aid and advice and assistance available to bereaved families participating in Fatal Accident Inquiries ("FAI") under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, once the relevant provisions have been commenced.

The Scottish Legal Aid Board estimates that the new misconduct in public office offences would generate approximately £40,000 per annum in additional legal aid expenditure depending on demand. This estimate reflects the anticipated low volume of prosecutions that are expected to arise in Scotland.

There is, however, the potential for costs to increase significantly once any relevant secondary legislation relating to non means tested legal aid takes effect, and advice and assistance is made available for families participating in an FAI where a public authority is a participant. In those circumstances, annual costs could rise to approximately £700,000 per annum depending on demand.

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I hope that this additional information is helpful to the Committee's consideration of the Legislative Consent Memorandum. I will write again regarding clauses 11 and 16 once further information becomes available from the UK Government.

Yours sincerely



JENNY GILRUTH

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

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