



Kaukab Stewart MSP  
Convener  
Equalities, Human Rights and Civil Justice Committee  
Scottish Parliament  
EDINBURGH  
EH99 1SP

18 December 2023

Dear Convener,

## **REGULATION OF LEGAL SERVICES (SCOTLAND) BILL**

We wanted to write to you following the conclusion of the committee's evidence sessions on the above Bill and the significant letter the Minister for Victims and Community Safety sent to you on 29 November 2023 in which she set out her intentions to bring forward amendments at Stage 2.

As you know, we have raised serious concerns about those provisions in the Bill which would give the Scottish Government sweeping new powers to intervene in the regulation of solicitors and other legal professionals. These concerns have been shared by many other stakeholders, most notably the Senators of the College of Justice.

Given this, we welcome the letter the Minister issued to the committee and the constructive approach she is taking with amending the Bill and addressing the concerns expressed.

In particular, we welcome the Minister's intention to remove Section 5 from the Bill and to amend Section 41 to remove the Scottish Government's role in approving authorised legal business rules.

Other planned changes clearly require further detailed consideration and discussion, including how the powers within Section 19 and 20 would be exercised by the Lord President. Equally, we feel outstanding issues in Sections 35 and 49 need to be explored further if our concerns are to be addressed in full. The views of the judiciary and other stakeholders will obviously be incredibly important, especially once the Scottish Government's specific amendments are published.

Nevertheless, the direction of travel now being taken the Scottish Government is encouraging and we remain committed to finding a consensus on these and other outstanding matters.



As you know, the Regulation of Legal Services (Scotland) Bill contains many important reforms which the Law Society has sought for almost a decade. Tackling the currently complicated and time-consuming complaints process; addressing weaknesses across the unregulated market; broad powers over regulating legal entities; these are all long overdue and important prizes to be won from this new legislation. We have also been discussing with the Scottish Government possible further additions to the Bill which we believe would improve the current system even more.

We welcome the constructive approach being taken by Scottish Government officials, with whom we have had a number of useful meetings, including one this week. Further discussions are planned with the Bill team in the new year.

The debate on the Bill and the evidence presented to your committee over the last few months have understandably focused on areas of concern. However, we should not lose sight of the many provisions in the Bill which do improve the system, which will better protect the public, and where there is broad support for change. It is imperative that these improvements, many of which having been in discussion for 10 years, are delivered.

Scotland's legal sector has evolved and the expectations of consumers are changing. This is why it is so important the tools we and other bodies have in regulating the profession also change. That way, we can ensure the legal profession is one where standards remain high, where client satisfaction stays strong, and where the international reputation of the sector endures.

This is why we welcome the Scottish Government willingness to amend the Bill, which offers the opportunity to improve this legislation from Stage 2 onwards. We look forward to getting sight of the specific amendments in due course so we can see how our concerns will be addressed.

Yours sincerely,

Sheila Webster  
President

David Gordon  
Convener, Regulatory Committee

cc.

Siobhian Brown MSP, Minister for Victims and Community Safety  
Stuart McMillan MSP, Convener, Delegated Powers and Law Reform Committee