



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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1 March 2024

Dear Minister,

Regulation of Legal Services (Scotland) Bill – Stage 2 consideration

The Committee welcomes the Minister's commitment to continuing to work with it and key stakeholders to ensure that concerns raised during its scrutiny at Stage 1 are being addressed. It also welcomes the updates the Minister has provided to it, thus far, in her detailed letters of [29 November 2023](#) and [22 January 2024](#) and in her response to the Committee's report at Stage 1.

Following the debate and passing of the Bill at Stage 1, the Minister will be aware, from updates provided at official level, that what is key for the Committee ahead of Stage 2, is that it has the opportunity to seek reassurance from the senior judiciary and others who have raised concerns, that these concerns have been adequately addressed.

Accordingly, at its meeting on 27 February 2024, the Committee discussed its approach to Stage 2 and the options available to it. As the Minister will know, there is no mechanism provided by Standing Orders for the situation in which the Committee finds itself, where either draft amendments can be shared or completed amendments can be lodged at Stage 2 which allows sufficient time to consult on these ahead of formal disposal. Members agreed it would be helpful to write to the Minister to set out options under consideration.

Option 1

The Committee would welcome sight of the substantive draft amendments (which relate to the concerns raised by the senior judiciary on ministerial powers only) ahead of a formal timetable being proposed to Parliament for disposal of completed amendments. While the Committee recognises that these amendments would not be in their final form, it would enable it to seek

reassurance, through written correspondence, from the senior judiciary that its concerns and those raised by individual Committee Members have been adequately addressed.

Option 2

An alternative approach would be for a formal timetable to be proposed by the Committee to Parliament which would allow adequate time within it for the Committee to seek the reassurances it needs. Officials have indicated that the Committee should expect around 200 amendments to be lodged and this, in all likelihood, will require a minimum of at least two Committee sitting days.

Standing Orders Rule 9.6.4 provides that, unless Parliament has decided, on a motion of the Parliamentary Bureau, the order in which the sections and schedules of the Bill are to be considered at Stage 2, the Committee may decide the order.

Against that background, one proposal is that amendments could be taken out of order with a first day set down for debate and disposal of those amendments not relating to ministerial powers and a second (or subsequent) day set down 2-3 weeks later for disposal of the amendments causing concern.

This would allow the Committee time to write to the relevant organisations and receive a response. In the event that the response was not satisfactory, the Committee would have the opportunity to reschedule the second sitting day to a later date.

However, the Committee would require a commitment from the Scottish Government that all relevant amendments would be formally lodged at the first deadline. This option is subject to an assessment, in conjunction with Scottish Government officials, that it is feasible to carve out the provisions on ministerial powers for later consideration.

Option 3

A third option and one on which the Committee's Members have not reached consensus would be for a further detailed update to be provided to it by the Minister along with letters of comfort from the relevant organisations.

The Committee would welcome the Minister's consideration of the options above and looks forward to her response in relation to these at her earliest convenience.

With best wishes

Yours sincerely

Karen Adam MSP
Convener, Equalities, Human Rights and Civil Justice Committee