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11 March 2024

Dear Convener

Regulation of Legal Services (Scotland) Bill

Thank you for your letter of 1 March 2024 and let me take this opportunity to congratulate you on your appointment as Convener.

I am grateful to the Committee for its detailed consideration of the Bill and constructive report at Stage 1. The Committee has heard that stakeholders often have differing views on the regulation of legal services which is why I want to ensure the Bill strikes the right balance between the various interests.

I am pleased that the Committee welcomes the information that I have shared so far, including my response to the Stage 1 report and my commitment to continue to work with the Committee and key stakeholders as I seek to build consensus with regard to the measures identified by the Committee during its scrutiny at Stage 1.

I appreciate that the Committee is seeking reassurance from the senior judiciary and other stakeholders who have raised concerns about the provisions in the Bill which confer powers on the Scottish Ministers, and I am grateful for the opportunity to feed into the Committee's considerations as to how that reassurance is best achieved.

The Committee will understand that engagement is ongoing with stakeholders with regard to the amendments in question and you have noted my recent correspondence. I have also provided further information and my intentions directly to the comments and recommendation of the Committee in my response to your Stage 1 report.

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For consistency with normal practice of the Parliament and to provide clarity around timings and processes to be followed, the Government would prefer to avoid any processes which cast doubt on how the Bill will be progressed. In the Scottish Government's view, option 1 would unhelpfully leave timings open ended which does not provide any clarity for Parliament or stakeholders and has the potential to impact on other Government business. Option 2 introduces significant uncertainty for both Parliament and stakeholders on how and when various aspects of the Bill will be considered by Committee.

Therefore, whilst I appreciate the Committee has not yet reached a consensus on option 3, if it feels it needs further reassurance ahead of stage 2, then I would be happy to provide the Committee with another detailed update on the progress of finalising Government amendments and how they will change the provisions in question as you suggest as Option 3. Alongside these updates I will ask the relevant organisations to continue to engage with the Committee to aid the Committee in its scrutiny of the Bill, it will ultimately be for those organisations to engage with the Committee, and I view that it is important that stakeholders representing the consumer and the legal perspective continue to be engaged. As I have also stated in my response to the Stage 1 report, I will endeavour to lodge stage 2 amendments ahead of the lodging date where practical.

I am grateful to the Committee for its continued engagement and careful scrutiny of the Bill.

SIOBHIAN BROWN

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