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28 January 2026

Dear Conveners

I committed to keeping the Equalities, Human Rights and Civil Justice Committee updated on progress with legal aid reform.

Following a positive outcome to ongoing negotiations with the legal aid profession, conducted through the Law Society of Scotland and the Scottish Solicitors Bar Association, regulations were laid today to amend solicitors legal aid fees and fixed payments. This instrument provides for a 13% increase to legal aid and advice and assistance fees payable to solicitors.

If Parliament agrees, this rise means the criminal core fixed payment will increase from £572 to £646.36, and will come into force from 01 September 2026. This uplift is in addition to reforms to criminal and children's legal aid that will come into force on 01 April 2026, 01 June 2026 and 14 December 2026.

I am also pleased to inform you that this uplift is part of a package of support. I previously committed to funding up to 20 legal aid traineeship places over 2026-2028. Thanks to additional funding in the Scottish Budget I can confirm that 40 traineeship places will be available from summer 2026. In addition we will provide digital support funding to help firms purchase devices to assist trainees in their work.

As you know, we have met the commitment to establish an Independent Fee Review Mechanism Group to explore the fundamental changes required to create a legal assistance system fit for the 21st century, including the development of a more transparent, evidence-based and sustainable approach to reviewing legal aid fees.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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The Group has already met and a process is underway to appoint an independent Chair, and I will provide a further update to the Committee when that is complete.

Amendments are made to the following Scottish Statutory Instruments by regulations 3 – 11 and schedules 1 – 15 of the instrument being laid:

- Civil Legal Aid (Scotland) (Fees) Regulations 1989
- Criminal Legal Aid (Scotland) (Fees) Regulations 1989
- Legal Aid in Contempt of Court Proceedings (Scotland) (Fees) Regulations 1992
- Advice and Assistance (Financial Limit) (Scotland) Regulations 1993
- Advice and Assistance (Scotland) Regulations 1996
- Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999

The instrument also makes changes omitted from the Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2026 and the Criminal Legal Aid and Assistance by Way of Representation (Miscellaneous Amendment) (Scotland) Regulations 2026.

Further, the instrument meets a commitment given to the Delegated Powers and Law Reform Committee of the Scottish Parliament to make corrections and minor drafting and clarificatory changes to the Civil Legal Aid (Scotland) Regulations 2002 and the Advice and Assistance by Way of Representation (Scotland) Regulations 2003.

I hope you will share my view that this is a positive package of reforms that will provide increased income for legal aid solicitors to help deliver and secure sustainability in a vital public service that supports equitable access to justice across Scotland.

Yours sincerely,

SIOBHIAN BROWN

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