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Audrey Nicoll
Convener
Criminal Justice Committee
Scottish Parliament

Via: justice.committee@parliament.scot

23 January 2023

Dear Convener,

I write to provide an update to the Committee on negotiations with the legal profession in respect of legal aid fees and a national boycott on duty and some domestic abuse cases.

In December 2022, my officials met with representatives of the Law Society of Scotland and of the Scottish Solicitors Bar Association in a series of meetings to discuss the ongoing dispute over legal aid fees and the Scottish Government fee uplift offer.

Our meetings concluded with agreement that there will no longer be a nationally co-ordinated action avoiding the duty schemes and against court-appointed representation in domestic abuse cases. For its part, the Scottish Government will introduce a package of legal aid fee increases totalling, once fully implemented, an estimated £11m. These fee increases will be enabled by a Scottish Statutory Instrument to be laid on 20 February 2023 by way of an affirmative instrument.

In reaching this agreement, we recognise the continuing right of individual solicitors to choose the cases they wish to undertake and of Faculties to take stances on issues of specific concern to them. Furthermore, we appreciate the act of goodwill by those solicitors that plan to go back on duty schemes in advance of the coming into force of the regulations that enable the fee uplift.

A robust and healthy legal aid profession is in all our interests, and we are grateful for the shared commitment to move forward with the development of an effective and evidence-based mechanism for keeping legal aid fees under review as a means to achieve this. We have shared some initial information with the legal profession and will follow up with a meeting to discuss next steps in the near future.

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The Scottish Government is committed to human rights and equality, and to building a stronger, more resilient justice system. Access to justice and the role of the legal profession are essential to delivering these aims.

I thank you for your continued interest and engagement in this area.



ELENA WHITHAM

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