



The Rt Hon Lord Carloway  
Lord President

Parliament House  
Edinburgh, EH1 1RQ

23 December 2024

Karen Adam MSP  
Convener of the Equalities,  
Human Rights and Civil Justice Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP

Dear Convener,

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

I thought that the Committee might find it helpful to know the senior judiciary's views about the Scottish Government's Stage 2 amendments which were lodged this week.

The Scottish Government had sent the senior judiciary draft amendments to the Bill provisions which we were most concerned about. Although we have been in the unprecedented situation of having to comment on key policy proposals before Stage 2, rather than before introduction, I am pleased to say that the majority of our comments on these draft amendments have been taken on board by the Scottish Government.

Significant progress has been made to protect the rule of law. The Scottish Government has removed the role of the Scottish Ministers in the regulation of the legal profession (sections 8, 19, 20, 25-35, 41, 86, schedule 1 paragraph 6 and schedule 2) and removed sections 5 and 49. Our significant constitutional concerns have been addressed.

The Scottish Government has taken into account our comments about other important parts of the Bill, including sections 19, 20 and schedule 2, through which the Lord President will exercise powers to review the performance of the regulators and impose measures, when necessary.

As I highlighted in my letter of 15 November, the senior judiciary remain concerned about the removal of the right of appeal to the Court of Session from

decisions of the Scottish Legal Complaints Commission. We consider that, although there are benefits to having an internal SLCC review process, for the reasons outlined in that letter, it is important that dissatisfied parties have the option of appealing decisions directly to the Court.

While the senior judiciary are broadly content with the amendments lodged on 10 and 12 December, the Scottish Government has lodged amendments to the Bill over and above those which the senior judiciary had seen previously. My officials will require to discuss these with the Scottish Government and consider their effect and any financial impact.

Throughout our engagement, I have made it clear to the Minister that it is important that the Scottish Government consults with all bodies across the legal profession who may be affected by these amendments to ensure that the system is workable. My officials have been unable to share these amendments with the regulators or with any other interested parties. That is because, understandably, the Scottish Government asked us to keep these draft amendments confidential.

It is important that those, who will be exercising powers under the Bill, using its provisions to make complaints about the provision of legal services or relying on any of the other provisions of the Bill, are in a position to confirm that the Bill as amended is practicable for them too.

We remain keen that the amendments are considered for efficacy by those who will have to deploy the provisions of the Act.

Yours sincerely,

The Rt Hon Lord Carloway  
Lord President