

Sent by email to:- ehrcj.committee@parliament.scot

Sent by post to:-

Karen Adam MSP

Convenor of the Equalities, Human Rights and Civil Justice Committee

The Scottish Parliament

Edinburgh

EH99 1SP

Date: 22 January 2025

Dear Convenor,

REGULATION OF LEGAL SERVICES (SCOTLAND) BILL

The Scottish Solicitors' Discipline Tribunal (SSDT) is the independent judicial body constituted under the Solicitors (Scotland) Act 1980 to deal with serious disciplinary issues which arise from time to time within the Scottish legal profession. Its aims are to protect the public, and to maintain the standards of the legal profession and the public's confidence that it is doing so – to which ends half of its members, recruited through the public appointments system, are lay people, in addition to the other half who are solicitor members. The Scottish Legal Complaints Commission refers conduct complaints to the Law Society of Scotland. The most serious cases are prosecuted by the Law Society before the Tribunal which can impose a variety of sanctions, currently the most serious of which is striking from the roll.

More information on the SSDT and its work can be found on the Tribunal's website, including the most recent annual report (www.ssdt.org.uk).

The Tribunal has a very small clerking team and has been doing what it can to follow the progress of the Bill whilst maintaining its busy caseload and schedule of hearings. We gave both written and oral evidence at Stage 1.

The Bill affects many facets of regulation of the legal profession in Scotland and its provisions extend beyond the remit of the SSDT. Some of the 'headline' changes relate to service issues and wider administration of the profession as a whole and we recognise that the SSDT is a feature of that broader landscape with which many will not be familiar. However, we consider it vital to highlight that the SSDT's independent statutory role in hearing the most serious complaints, as well as several types of appeals, in this sector is pivotal and should not be under-estimated.

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The public and, indeed, much of the profession, will largely never encounter the SSDT and that is desirable in terms of the reputation and operation of the vast majority of Scottish solicitors. However, when our functions and powers are invoked, it is imperative that they are fit for purpose.

There are various provisions of the Bill with a significant impact on the Tribunal's areas of responsibility as well as the wider regulatory and complaints system. We note that within the large volume of amendments at Stage 2, there are many detailed new provisions affecting the Tribunal, not least the framework to provide for the most serious types of 'regulatory complaints' (i.e. complaints against firms as a whole, as opposed to those about the professional conduct of individual solicitors) to be prosecuted before the Tribunal, as well as various new categories of appeals. Some of these changes had been discussed and recommended (including by us) in broad terms at Stage 1, but for many it will be the first time they have seen the detailed legal clauses and had an opportunity to consider their implications.

The Tribunal has had good engagement with the Scottish Government's Bill team and the main regulatory bodies throughout the process, and we welcome the fact that many suggestions and areas of concern previously raised by the SSDT and others in relation to the Bill have been considered in amendments.

The SSDT's remit is overseen by the Lord President and we have noted his letter to you dated 23 December 2024 and echo the broad points detailed therein. We also emphatically agree that it is vital to ensure that the practical effect of the proposed Bill is workable, in particular that *'the amendments are considered for efficacy by those who will have to deploy the provisions of the Act.'* The SSDT will certainly be involved in important aspects of that and we hope that there will be sufficient time and opportunity to continue to work constructively with the Scottish Government and others affected to study the overall Bill and most recent amendments in all their complexity between now and Stage 3, so as to render the legislation as effective and practicable as possible.

Yours sincerely,

Colin Bell

[Colin Bell \(Jan 22, 2025 09:58 GMT\)](#)

Colin Bell
Chair

cc The Right Honourable Lord Carloway, Lord President's Office, Parliament House,
Parliament Square, Edinburgh, EH1 1RQ