

## Justice Committee

### Scottish Civil Justice Council and Criminal Legal Assistance Bill

#### Written submission from Simpson and Marwick

This letter represents a response on behalf of Simpson and Marwick to the terms of the Scottish Civil Justice Council and Criminal Legal Assistance Bill. Our practice area links us with the Scottish Civil Justice Council and we make no comment on the criminal legal assistance part of the Bill.

1. We welcome the terms of the Bill as relates to the Scottish Civil Justice Council and believe that the proposed functions and powers of the Council are adequate.
2. Clause 6 of the Bill deals with the composition of the Council. It is here that we believe an omission has been made. We consider that the Council should include at least one member of the insurance industry. A representative could be drawn from the membership of the Forum of Scottish Claims Managers based in Glasgow and/or a representative of the Association of British Insurers.

Our argument in support of this position involves recognising that in over 50% of Court of Session claims, and a lesser but still material percentage of Sheriff Court claims, an insurer is involved behind one or other of the parties. As a group the insurance industry represents the largest body of Court users in the country. As a consequence it seems only fair to offer two places on the Council to the insurance industry. This could be seen as providing a natural balance to the "Consumer representative members" who appear to predominate from the pursuer's side of the bar.

Furthermore, having representatives from such a significant proportion of Court users will add emphasis and credibility to the decisions of the Council and perhaps avoid any issues which could arise on implementation of new Court rules in an area that causes the insurance industry reasonable concern.

The Forum of Scottish Claims Managers, whilst not a long standing body, has nevertheless developed a considerable credibility and responded in helpful terms to the Scottish Civil Courts Review. Members drawn from this body would be our preference.

We would be happy to provide any additional information in support of this response to the consultation if requested.

Simpson and Marwick  
29 May 2012