

Justice Committee

Scottish Civil Justice Council and Criminal Legal Assistance Bill

Second supplementary written submission from the Law Society of Scotland

I understand that the committee is seeking further clarification in relation to the current collection of ABWOR contributions. Unfortunately there is no central system for collection of this data.

From the Society's consultations with members of the profession and local faculties it is our strong impression that the majority of practitioners do not collect such contributions at the present time. There are a number of interrelated reasons given for this. Most firms do not have formal collection procedures and systems in place and the number of cases involved and the level of such contributions mean that many view it as an uneconomic exercise to pursue them.

However, we are taking steps in the context of our Legal Aid Conference next week to ingather more empirical data in relation to ABWOR collection. We would be delighted to see members of the Justice Committee at the Legal Aid Conference and if Committee Members wish to attend please contact Matthew Thomson on 0131 476 8348 for more information.

We firmly believe that the terms of the Bill regarding eligibility threshold, contribution levels and income calculations involving benefits require amendment to ensure that access to justice is preserved.

Even if one leaves aside the question of possible levels of contributions which we appreciate is still being worked upon and remains a contentious issue it must be inevitable under any new system that many more cases will have assessed contributions. At the moment contributions apply only to ABWOR cases which constitute 28% of all grants. When the new system is introduced all applications will be assessed.

We hope this assists the committee's deliberations.

Oliver Adair, Legal Aid Convener, Law Society of Scotland
28 September 2012