

Adam Tomkins MSP  
Convener  
Justice Committee

By email - [justicecommittee@parliament.scot](mailto:justicecommittee@parliament.scot)

4 December 2020

Dear Convener,

## Legal Services Regulation Reform

I write to provide the Justice Committee with an update with regard to Legal Services Regulation Reform.

The Scottish Government response<sup>1</sup> to the Report of the Independent Review of Legal Services Regulation in Scotland<sup>2</sup> set out that we would seek to build consensus, where possible, on the way forward prior to deciding on a course of action. This was in recognition of the views expressed at the primary recommendation of the review, and therefore we advised that we would issue a public consultation to inform the design and the extent of reform.

Our engagement with the legal services regulatory reform working group, comprised of those from within the regulatory framework and organisations representing the consumer perspective, has been instrumental in building consensus around issues for consultation on the matters arising out of the Independent Review of Legal Services Regulation in Scotland.

Those in that group included; the Law Society of Scotland, the Faculty of Advocates, the Scottish Solicitors Discipline Tribunal, the Association of Commercial Attorneys, the Scottish Legal Complaints Commission (SLCC), the SLCC Consumer Panel, the Competition and Markets Authority, Citizens Advice Scotland, and the consumer group Which?.

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<sup>1</sup> <https://www.gov.scot/publications/scottish-government-response-fit-future-report-independent-review-legal-services-regulation-scotland/>

<sup>2</sup> <https://www2.gov.scot/Resource/0054/00542583.pdf>

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The Scottish Government had intended to bring forward a consultation in 2020 to seek views on those matters. However Ministers have taken a view that due to the combined pressures of preparing for EU exit and responding to Covid-19 now is not the right time to issue a consultation on legal services regulation.

Such pressures not only effect the Scottish Government but also key stakeholders who will be effected by, or have an interest in such reform. Ministers feel that the consultation should be published at a time that allows all interested parties the opportunity to fully consider and respond to the issues raised, without also dealing with such unprecedented pressures.

Therefore due to the juncture of this parliamentary session, we anticipate that a consultation will be published in the next session of the Scottish Parliament. The timing of any consultation is unlikely to have an impact on the timing of any potential Bill, again due to pressure on the legislative timetable presented by preparing for EU exit and responding to Covid-19, and is currently anticipated for year three of the next session of parliament.

There is other work ongoing to progress some of the issues raised in the independent review, such as work to consider interim improvements to the complaints system.

The Scottish Government will write to the justice Committee with key developments in relation to this work.



**ASH DENHAM**

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