Submission from Peter Lawson for the Legal Profession and Legal Aid (Scotland) Bill

I write to express my concerns to a number of the proposals in the Legal Profession and Legal Aid (Scotland) Bill.

Specifically I would draw the committee’s attention to the lack of compliance the proposed legislation will have in respect of the European Convention of Human Rights. I am aware that the Law Society of Scotland has submitted detailed concerns to the committee on this matter and I write in support of these concerns.

Additionally, I wish to the comment on the proposal that the cost of all referrals to the Complaints Commission is to be funded by solicitors, regardless of the outcome of the complaint and whether or not the complaint is justified. This proposal is contrary to natural justice. If the corollary was proposed i.e. that the client would pay for the referral, regardless of the outcome, there would quite correctly be a public outcry.

The cost of administering the commission is to borne by the legal profession and I have been unable to ascertain the basis on which the proposed costs have been estimated and whether or not the proposed funding basis is of any benefit to the community as a whole. The costs of the existing complaints procedure are currently met by the profession and it would appear that the current proposals simply provide for the profession to bear the future costs with no cost benefit analysis having been made.

I would be grateful if you would acknowledge receipt of these comments.