Submission from David Ballantine for the Legal Profession and Legal Aid (Scotland) Bill

Many of the provisions of this Bill are contrary to natural justice and must not be allowed onto the statute book. This is a timely warning to those responsible that the Bill must be subjected to the most detailed scrutiny to ensure that these provisions are not enacted in their present form.

As an example, refer to S.7 and S.8 where the Commission is empowered to determine a complaint and then to impose draconian penalties on practitioners with apparently no right of appeal. These are quasi judicial proceedings conducted by a body which is a government body and not part of the independent judiciary and its powers will subject the legal practitioner to serious injustice of a kind to which no other citizen or group of citizens is subjected, including the injustice of being ordered to pay expenses of the procedure even where the complaint is not upheld.

It is impossible to believe that any parliament could contemplate enacting such legislation. Please bring this matter to the attention of the Committee urgently. Those who advise the Scottish Ministers have a duty to ensure that they are not allowed to place before Parliament legislation which makes a mockery of democracy, fairness and above all natural justice.