Submission from Elaine O’Connell for the Legal Profession and Legal Aid (Scotland) Bill

I am a solicitor duly enrolled with the Law Society in Scotland. I wish to register my extreme worries and concerns regarding the above Bill.

I fully accept that the Legal Profession must and should be well regulated. I also accept that there must a suitable body in place to deal with complaints made against solicitors by members of the public and others.

It appears to me that the bill currently under consideration will not best serve either the needs of the public and nor will it ensure efficient regulation of the profession concerned. My main concern is that it is quite apparent from even the most cursory of reading of the legislation that it is not ECHR compliant. It is a very odd situation being proposed that the new body would not only process complaints made against solicitors but would also hear any appeal. It begs the question whether such a procedure could even fall within the definition of an appeal since it would not be independent. This is a grave failing.

The bill in present form would also have the effect of bringing an independent profession under what would effectively be state control. This is a worrying development. I would urge the committee to rethink matters at this point.