



T: 0300 244 4000  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Ken Dalling  
President of the Law Society of Scotland

Julia McPartlin  
President of the Scottish Solicitors Bar Association

Via: [president@lawscot.org.uk](mailto:president@lawscot.org.uk)  
[juliamcpartlin@hotmail.com](mailto:juliamcpartlin@hotmail.com)

1 November 2021

Dear Ken and Julia

I was grateful for the opportunity to meet with you both last week. I have considered carefully the issues that we discussed.

As you acknowledged, in addition to the 5% increase across all legal aid fees from April this year, we have already committed to bring forward regulations for a further above inflation increase of 5% on top of this for 2022-23.

We discussed possible immediate fee reforms to assist the operation of the justice system. As you know, we have a package of criminal fee reforms that delivers our commitment to simplify the legal aid system as well as improving fees for aspects of criminal summary business. This includes the section 76 fee we discussed.

I know that there has been discussions on that package over the course of the last 12 months and I am very happy to develop the necessary regulations that will deliver those fee reforms. As discussed, we have not required that the package is cost neutral to be delivered. In addition, we have committed to consider proposals for additional funding for holiday courts, subject to appropriate and practical proposals being agreed.

I noted that you both said that you are not able to guarantee the support of your members for either of these measures, but I nevertheless commit to working with the Society and Association to make these reforms available.

You also raised concerns about recruitment and capacity within the profession. We have committed to work with you and justice agencies to review the evidence of capacity within the profession. I am pleased that we were previously able to agree the allocation of £1m

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire  
Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh [www.lobbying.scot](http://www.lobbying.scot)

Scottish Ministers, special advisers and the Permanent Secretary are covered  
by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)



over two years to support the costs for firms of traineeships. This was in addition to the £9m of funding distributed to the profession this year in the context of the impact of COVID-19.

On COP26, we confirmed a package of funding for COP26 related cases worth an estimated £3.5m depending on the actual volume of cases that progress. We have been advised by the UK Government representatives that they are only willing to support roughly half of the estimated costs (£1.8m). However, as set out previously, the Scottish Government has committed to underwrite the difference. We have confirmed increased funding for any non-COP26 related custody cases considered in weekend courts during the conference. Whilst you highlighted a number of additional specific issues in relation to the COP26, you indicated that you did not consider that resolving these would be likely to change the stance of the Bar Associations in boycotting the COP26 duty scheme.

Since our meeting the letter of 30 October from the SSBA indicated that a significant number of solicitors have escalated the boycott of custody courts to all legal aid duty schemes during the period of the COP26 conference, with the potential for continued action beyond the conference. The profession have requested that publically funded legal advice and representation should be placed on a sustainable basis. As set out in my letter to you, this is an aim that we share and is demonstrated by the £20 million package of funding that we have already committed to and most of which has been delivered. We are also committed to taking forward the recommendations of the payment panel, which recommended the development of fair and sustainable fees and that these should be subject to regular review. That work is under development and I hope we can work together to take forward an evidence informed approach to agree future changes to payments for legal aid.

The letter of 30 October asks for “urgent action” to be taken and various representations have been made by different representatives of the profession. It would be helpful to have from you a clear articulation and quantification of the specific “ask” from the profession additional to those actions already being taken by Government, which could help move forward from the current dispute.

I remain committed to working with the profession to ensure sustainable on-going arrangements for vital publically funded legal advice and representation and clarity around the needs of the profession will help in moving forward with discussions.



**ASH REGAN**

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh [www.lobbying.scot](http://www.lobbying.scot)

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG  
St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)



INVESTORS  
IN PEOPLE

Accredited  
Until 2020

