



glasgow bar association  
established 1959

Room 1.29  
Glasgow Sheriff Court  
1 Carlton Place,  
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27<sup>th</sup> November, 2020

Press Statement

**St. Andrew's Day Custody Courts at Glasgow Sheriff Court**

**S.O.S – Save our System of Legal Aid Provision in Scotland**

We would invite the members of the press to publicise the following –

Our newly constituted Executive Committee of the Glasgow Bar Association will on Monday invite all solicitors who have a client appearing on Monday from custody to instruct us to represent their client. This is our first step along a path to ensure that our value in this Justice Partnership is fully recognised. Our aim is to ensure the long-term provision of legal aid services in Scotland, which have suffered from a progressive decline in real terms due to a persistent lack of investment from successive Scottish Governments. There are already parts of this country where there is either no legal aid provision or it is very scarce. We believe that the people of Scotland deserve better.

You may not be aware that since the end of May, the Lord President has suspended all Court holidays to be able to process an accused's appearance from custody. At each of these specially convened custody courts across Scotland, Defence Agents have sacrificed holiday entitlement to discharge their duties to the Court and to their clients to ensure the effective and expeditious representation of the accused, in the most challenging of circumstances caused by the Covid-19 pandemic. Every other participant in those appearances except the Defence is on an enhanced payment system. Not only that but Defence solicitors across Scotland continue to operate on a

rate of pay that was imposed in 1995, save for a 3% increase last year. This rate of pay has not even been adjusted on an inflationary basis annually. We have gone to extraordinary lengths this year to adapt to the working conditions imposed by this global pandemic. We have pled our case to the Scottish Government via the Law Society of Scotland. Our first approach to our representative body was by letter dated 3<sup>rd</sup> June 2020. We recognise the hard work undertaken by the Law Society of Scotland on our behalf. The response from the Scottish Government, intimated to us this week is woefully inadequate. They were aware that there was an urgency to our request for financial support. The Scottish Government, at the start of the pandemic, promised to support every SME. Their recent proposals failed to provide any immediate support. We have had to correspond with the Justice Committee of the Scottish Parliament to express our concerns at the repeated delays in receiving a proposal. At today's date we are still no further forward. This Government can respond quickly when required, as proven by the Coronavirus (Scotland) Act 2020 and associated regulations. It has also invested millions of pounds into every sector of the Justice Partnership during lockdown to allow them to adapt to different ways of working yet continues to steadfastly refuse to provide funding to allow legal aid practitioners to continue to practice in a safe way in the current circumstances.

This Government recognised the need for legal aid reform and commissioned Martyn Evans in February 2017 to Report on this. Statutory Reform remains outstanding. The Fee Review Panel which was scheduled to have its final meeting before lockdown started has never convened in the last 8 months.

We are rightly proud of our legal system and our principle of legal aid provision for those most in need of assistance at the most vulnerable times in the lives. However, no other sector would be prepared to sustain a workload with no consistent investment in it for decades. Indeed, legal aid practitioners have had to invest in PPE and technology to undertake their duties and we have received no financial support from this Government to do so. Every other Justice Partner has had this need met by the Scottish Government. They have provided mobile telephones to prisoners. They have funded technical upgrades to the Crown, SLAB, SCTS and PDSO. We are seeking equality of arms to defend our citizens against inequality.

On our national holiday, we simply seek from this Government reasonable remuneration for legal aid practitioners to serve our citizens to the best of our ability. Legal Aid provision is demand led. There is clearly demand for this essential service. Investment in PDSO and CLAO demonstrates this. We will not accept being discriminated against or being faced with inequality.

Thank you.

The Executive Committee of the Glasgow Bar Association