



F/T: 0300 244 4000
E: scottish.ministers@gov.scot

Fiona McKinnon
President
Glasgow Bar Association

fiona@mckinnonlaw.co.uk

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Dear Fiona

SUPPORT FOR THE LEGAL PROFESSION

Further to my letter of 8 January and my proposals to support the legal aid sector, I write to inform you of how I intend to proceed.

During our last discussion, I gave you a commitment that I would listen and engage with you in good faith. My officials have given detailed consideration to the points you have made in your responses. On that basis, I will now progress putting in place the 5% uplift in fees for the coming financial year, with a further 5% uplift due in Financial Year 22/23. Regulations to that effect will be laid in the Scottish Parliament on 1 February and will be in place by 22 March 2021.

I will also progress with the opening of the Scottish Government Resilience Fund for the legal aid sector. This is designed to target assistance at those who need it most, to enable them to continue to make a contribution to the delivery of legal aid during and post-pandemic. As it relies on administrative data which sits with SLAB, I have asked SLAB to operate the application process and appraisal of applications. I am pleased to say that the operation of the Fund will reflect the impact on sheriff court business of recent decisions made by the Lord President on managing court business during this time of further restrictions. We will write to you with further details on the application process in the very near future.

I will also progress the traineeship fund which will expand opportunities for lawyers to enter the legal aid profession. This fund will be managed by the Law Society. Discussions on how this will be designed and implemented are ongoing, and again I hope you will have further information on that as soon as possible.

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

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
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It is clear to me that on reading the initial outline of the package, the profession formed the view that the reforms amounted to a cut in fees, undermining the otherwise positive response to the announcement of the support package.

My reform proposals were themselves based on proposals developed by the Society in 2015, and reflect several years of engagement with both the Society and the profession at large. They address a number of issues identified by the profession to deliver simplification, reduced bureaucracy and better reward for early preparation and resolution of cases where appropriate.

But it is clear from your responses that you cannot at this time support the reforms. I firmly believe that the proposals would deliver significant benefits to the profession, clients, victims, witnesses and the wider justice system and it is disappointing that I am not able to make these improvements at this time.

Nonetheless, the generous package of investment I am now taking forward is on any measure the best package the Scottish Government has offered for over a decade. In return, I would invite the profession to engage with us in working to put legal aid on a more evidence based and sustainable footing, through active and positive engagement with the Payment Panel's future work. I would also seek constructive engagement when we return to the detail of these specific criminal fee reforms, with a view to agreeing and implementing reforms in the coming year.

While we cannot delay work on the regulations that will put in place the uplift, I would be happy to have a further discussion if you would find that helpful.



HUMZA YOUSAF

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