



By email: Denise.Swanson@gov.scot

Denise Swanson
Head of Access to Justice Unit
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Scottish Government

Date: 29th March 2017

Our ref: KL/IM/SR

Dear Denise

Criminal Legal Aid: revised proposal - legal aid fee for Part I of the Criminal Justice (Scotland) Act 2016

Thank you for the meeting of 23rd March 2017 where you provided a revised proposal in respect of the legal aid fee for Part I of the Criminal Justice (Scotland) Act 2016 (the 2016 Act). We welcome the discussions on the legal aid implications for the changes to the provision of police station advice.

We appreciated you recognising the shortcomings in the current definition of antisocial hours, the Committee welcomes the movement on the definition and the revisions to include hours worked from 1900hrs-0700hrs, weekends and Public Holidays.

On Tuesday 28th March 2017, the Committee consulted with faculty representatives on your revised offer. Notwithstanding the movement on antisocial hours, the feedback from the meeting is that the figures within the revised proposal remain inadequate and accordingly the package as a whole is not acceptable to the vast majority of faculties.

Following consideration of the revised proposal and discussions with faculty representatives, the Committee maintains that the Society's proposal as detailed in my letter to the Minister of Community, Safety and Legal Affairs on the 21st March is a fair one. Faculty representatives have indicated that a fee as set out in our proposal would be acceptable and that figures below that would not be. In addition, the fee for the provision of telephone advice should not be subsumed into any existing legal aid certificate.

In order to ensure that the legal aid system is adequately funded to maintain a sustainable scheme, we would like to maintain an open dialogue with you in respect of the legal aid fee for Part I of the 2016 Act.

I look forward to hearing from you.



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Yours sincerely,

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