

Consultation Response

UK-India Free Trade Agreement Inquiry

International Agreements Committee

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Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

We have no comment to make on a number of sections. Those have been omitted from this response

Services

The legal services sector facilitates trade across all other sectors as well as being an important contributor to the UK economy in its own right. This includes contract negotiations for the provision of goods or services and also extends to advice on matters such as intellectual property protection.

Businesses of all types are increasingly international in focus and global in reach and lawyers must be able to provide their services accordingly, whether this is through expansion of their own offices or partnering with firms in other jurisdictions on an ongoing or case-by-case basis. Furthermore, trade agreements create legal rights and obligations and it is therefore imperative that individuals and business have access to legal advice to allow them to exercise those rights and meet the requirements of their obligations.

Scotland has a strong market for professional services, including legal services. Furthermore, legal services support and facilitate trade and investment in other sectors. In terms of Scottish legal services, arbitration and other forms of international dispute resolution are seen as a potential growth area.

While the conclusion of a strengthened trade framework with India is a notable milestone, the absence of legal services within the scope of the agreement is disappointing.

Inclusion of legal services would have offered a significant step forward in terms of market access. India remains one of the few major economies which has not permitted foreign legal practice. We therefore encourage the UK Government to continue discussions on legal services market access, particularly in light of the Bar Council of India's announcement of its intent to allow foreign lawyers and law firms to practice in India and the ongoing uncertainty surrounding the status of that decision.

In terms of legal services in India it would be useful to see cooperation and coordination of any promotional work done by the Scottish Government and the UK Government to avoid either overlap or omission.

Equally any work done in India by the UK government to promote the legal sector the promotion of English and Welsh law must not become the exclusive promotion of the legal services firms of England and Wales. Scotland has a highly skilled legal services market and a number of highly competitive international firms. Many have particular specialisms in energy, financial services, and food and drink.

If the Bar Council of India's does open the market we need to ensure that all parts of the UK can take advantage of that opportunity.

Labour and environmental standards and human rights

Whilst we recognise the desire for the UK to capitalise on the economic opportunities across the globe including in India we would also strongly urge the UK Government to promote human rights in the region.

Devolution

We believe that a whole-of-governance approach should be taken when conducting trade negotiations. This is particularly relevant where international agreements bind domestic legislatures to effect changes in domestic law.

We therefore support the United Kingdom Government and Scottish Government working closely together to ensure the effective governance of trade deals. We also support the role of the Scottish Parliament in scrutinising the impact of trade deals after they have been signed. This whole of government approach should make sure that all parts of the UK are supported including the English regions and devolved nations.



For further information, please contact:

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