

POLICY NOTE

THE LEGAL PROFESSION AND LEGAL AID (SCOTLAND) ACT 2007 (MEMBERSHIP OF THE SCOTTISH LEGAL COMPLAINTS COMMISSION) AMENDMENT ORDER 2014

SSI 2014/XXX

The above order is made in exercise of the powers conferred by section 1(2) of and paragraph 2(7) of schedule 1 to the Legal Profession and Legal Aid (Scotland) Act 2007 and all other powers enabling them to do so.

The instrument, which will make amendments to primary legislation, is subject to the affirmative procedure.

Background

The Scottish Legal Complaints Commission (SLCC) and other stakeholders wrote to the Minister for Community Safety on 28 November to request a number of changes to the Legal Profession and Legal Aid (Scotland) Act 2007 in order to improve the workings of the act

Following consultation on a draft instrument, the SLCC made us aware that the number of their Board members is only 9 while the Act states it should be 12. As work was ongoing on the instrument to alter the 2007 act, it seemed logical to do this at the same time.

The Board is currently operating efficiently with 9 members and that 12 members are not required or affordable for the organisation.

Policy objectives

This Order makes certain changes to the number and composition of the membership of the Scottish Legal Complaints Commission.

Reducing the membership of the Scottish Legal Complaints Commission

This order will reduce the numbers of the board of the SLCC from 12 to 9, placing on a statutory footing what is current practice. The order will “make sure our public services are high quality, continually improving, efficient and responsive to local people’s needs”, this is in keeping with the Scottish Government’s National Outcomes.

Consultation

Paragraph 2(7) of schedule 1 to the Legal Profession and Legal Aid (Scotland) Act 2007 allows for Minister to amend, by order, the size of the board. Consultation is not required.

Regulatory impact assessment

A BRIA was not prepared as the amendment relates to the board membership, and will not lead to costs or savings for business, third or public sector organisations, regulators or

consumers. It is a technical change which will only affect the Board. Guidance states that in these circumstances a BRIA is not required.

Financial Implications

This instrument has no additional financial effects on the Scottish Government, local government or business.