

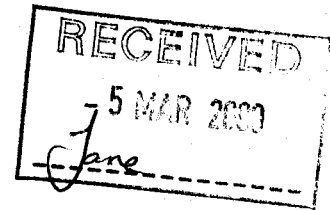


FACULTY OF ADVOCATES

26 February 2009

Our Ref: A09-1/IGA/SB

Ms. Jane Irvine,
Chairing Member,
Scottish Legal Complaints Commission,
The Stamp Office,
10-14 Waterloo Place,
Edinburgh, EH1 3EG



Dear Jane,

SLCC: Budget and Associated Levies

On behalf of the Dean and in response to your own letter of 15 January, please now find enclosed the Faculty's formal response to the Commission's proposals for its budget etc. in the coming year.

I was gratified at the recent meeting of the Board to be reassured that the issue raised will be given further consideration.

Yours sincerely,

Iain G. Armstrong, Q.C.

THE VICE-DEAN OF FACULTY

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RESPONSE

BY

FACULTY OF ADVOCATES

TO

CONSULTATION DOCUMENTS ISSUED, IN TERMS OF THE LEGAL PROFESSION AND LEGAL AID (SCOTLAND) ACT 2007, SECTION 29, BY THE SCOTTISH LEGAL COMPLAINTS COMMISSION IN RELATION TO ITS PROPOSED BUDGET, THE ANNUAL GENERAL LEVY AND THE COMPLAINTS LEVY FOR THE YEAR 2009/10.

The Faculty makes no comment other than to reiterate its contention that the amount of the Annual General Levy fixed in respect of members of each of the relevant professional organisations should reflect the proportionate volume of complaints generated by the particular branch of the profession to which practitioners belong.

The two principal branches of the legal profession are separate and distinct and are regulated by different professional organisations, as is recognised by the terms of the Act. There is a significant difference in the relative size of the membership of each of these two professional organisations. It is reasonably anticipated that in any year there will be a significant difference in the relative number of complaints generated by the membership of each professional organisation.

That being so, it is contended that in the course of the current year any such difference in the relative levels of complaints generated by members of each of the two professional organisations be monitored and subsequently, in considering the levels of the Annual General Levy for the following year, be taken into account in fixing differing levels which appropriately reflect the proportionate difference in the numbers of complaints dealt with by the Commission as generated by the membership of each professional organisation. Such an approach, reflecting the duty on each branch of the profession to meet the consequences of its own levels of quality of service, is entirely consistent with the policy underlying the Act.

25 February 2009