

## **Executive Summary**

An independent legal profession, and an independent judiciary, is central to the rule of law. The protection of the public from the arbitrary abuse of power by the state depends upon it. Political regulation of the legal profession is not appropriate.

At present the legal profession is regulated by the Lord President. He is a regulator who is independent from government and parliament, and independent from those whom he regulates.

In this Bill the government proposes to:

- take into its own hands powers to control lawyers;
- remove aspects of the Court of Session's oversight of the legal profession; and
- impose itself as a co-regulator along with the Lord President.

These proposals are a threat to the independence of the legal profession and the judiciary. It is of critical constitutional importance that there is a legal profession which is willing and able to stand up for the citizen against the government of the day. The judiciary is fundamentally opposed to this attempt to bring the legal profession under political control. If the Bill is passed in its current form, Scotland will be viewed internationally as a country whose legal system is open to political abuse.

We have no difficulty with the Scottish Government's decision to create a framework of Category 1 and Category 2 regulators. The Bill ought to be amended so that it maintains, rather than threatens, the independence of the judiciary and the legal profession. If that is done, the Bill will form an acceptable foundation for updating the regulation of legal services in Scotland and provide for the protection of consumers and other users of legal services.

This response represents the unanimous view of all of the senior judiciary.