

SUMMARY JUSTICE REFORM UPDATE:

MEETING WITH CABINET SECRETARY – 15.12.08

The Cabinet Secretary acknowledged that this has been an anxious and uncertain time for the profession, with those involved in legal aid work having to deal with recent changes on top of ever-increasing disparity with those solicitors involved in private work. He stressed that he has to be particularly mindful of financial constraints at present, given the overall economic situation and competing demands on funds in the Justice Department. He said, however, that he was keen to avoid unnecessary hardship to legal aid firms.

Mr. MacAskill thanked all of those involved in the review process and emphasised that the profession's co-operation with the reforms generally, as well as in the review process, has made it easier for him to look at reciprocating our good faith.

The Cabinet Secretary has agreed to the reinstatement of payment for bail appeals as he conceded that its removal could be seen as unfair and an unintended consequence of the Summary Legal Aid reforms. This will be attended to as soon as possible, with regulations hopefully coming into effect early in the New Year.

He has committed to a further early meeting with representatives of the profession, probably in April next year. A continuation of current trends in summary cases may allow him to look at rectifying other unintended difficulties caused by the reforms.

The Cabinet Secretary also confirmed that regulations implementing the solemn fees increases would be introduced to Parliament in January with a view to coming into force in February 2009. Where legislation permits, these increases will be backdated to the start of the financial year.

The Society's representatives on the Monitoring and Evaluation Group will be issuing a more detailed paper to the profession for consultation in early January. A copy of the minute of the meeting with the Cabinet Secretary will also be made available to the profession.