

THE SCOTTISH LEGAL AID BOARD

MINUTE OF A MEETING OF THE LEGAL SERVICES COMMITTEE HELD AT 10.30 AM ON MONDAY 25 APRIL 2005 AT 44 DRUMSHEUGH GARDENS, EDINBURGH

Present: Margaret Scanlan
Kenneth Ross
Jean Couper
Graeme McKinstry
Malcolm Thomson
Elaine Rosie

In attendance: Lindsay Montgomery, Chief Executive
Tom Murray, Director of Legal Services and Applications
Caroline Robertson, Board Solicitor (item 10 only)
Catriona Whyte, Head of Legal Services (Applications) (items 7-9 only)
Liz Cuschieri, Board Solicitor (item 14 only)
Stuart Foster, Board Administrator

1. APOLOGIES FOR ABSENCE

Ian Percy, Peter Gray, Willie Gallagher.

2. DECLARATIONS OF INTEREST

No interests not previously registered in the Register of Board Members' Interests were declared.

Malcolm Thomson and Jean Couper declared interests in relation to agenda items 7,9 and 10; and Graeme McKinstry declared an interest in relation to agenda item 8.

3. MINUTE OF MEETING HELD ON 21 MARCH 2005

The minute of the Legal Services Committee held on 21 March 2005 was approved.

4. DRAFT MINUTE OF LEGAL SERVICES SUB-COMMITTEE

The draft minute of meeting of the Legal Services Sub-Committee held on 21 February 2005 was noted.

5. COMMITTEE ACTION POINTS

The Committee considered a paper by Tom Murray outlining action taken in relation to decisions at the previous meeting.

After discussion, it was AGREED:

- External Reporters be advised that the Board intended to introduce mandatory formal training in the course of the year;

- it was compulsory for external Reporters to use the form for giving reasons for their decisions, and incomplete forms would be returned (while proceeding to act on the decision);

ACTION: TCM

- otherwise, to note the position.

6. DIRECTOR'S REPORT

The Committee considered and noted a paper by Tom Murray updating members on matters of interest since the previous meeting on 21 March.

7. LEGAL AID APPLICATION

8. LEGAL AID APPLICATION

9. LEGAL AID APPLICATION

10. LEGAL AID APPLICATION

11. ADVICE AND ASSISTANCE: GUIDANCE ON MULTIPLE GRANTS

The Committee considered a paper by Douglas Haggarty setting out the proposed lists of situations in which guidance will state that a solicitor should only issue one advice and assistance certificate.

After discussion, it was AGREED:

- to approve the lists as proposed subject to checking the legality of having a number of individuals under one grant in immigration matters, and standardising the terminology so that “appropriate” was used instead of “acceptable”;
- the lists be passed to the Law Society for information prior to issue on 1 June.

ACTION: JDH

12. SOLICITOR ADVOCATES: NEW FEEING ARRANGEMENTS IN SOLEMN CRIMINAL CASES

The Committee considered a paper by Douglas Haggarty reporting on progress with the creation of new feeing arrangements for solicitor advocates, and setting out the proposed approach to be taken in discussion with the Law Society and the Scottish Executive. Consideration was also given to comments submitted by Peter Gray.

After discussion, it was AGREED:

- the matter be re-considered when Douglas Haggarty had returned from leave;
- a brief report be prepared on the High Court position, and a more detailed one on the Sheriff Court issue.

ACTION: JDH

13. BLOOD TESTING FOLLOWING CRIMINAL INCIDENTS

The Committee considered a paper by Marie-Louise Fox which set out a proposed response to a Scottish Executive consultation on proposals for legislation by the Justice Department to allow those at risk from infection with HIV or hepatitis B or C as a result of a criminal incident only, to seek information on whether their assailant was carrying any of those infections.

After discussion, it was AGREED to approve the recommendation and the response as proposed, subject to strengthening the Board's position in relation to the proposal to make applicants responsible for the costs of taking or analysing samples, which was contrary to existing Board policy.

ACTION: M-LF

14. FAMILY LAW (SCOTLAND) BILL: FINANCIAL MEMORANDUM

The Committee considered a paper by Elizabeth Cuschieri which set out a proposed response to the Scottish Parliament's Finance Committee in relation to consultation on the Financial Memorandum required to accompany the Family Law (Scotland) Bill.

After discussion, it was AGREED to approve the response as proposed, subject to noting in relation to question No.4 that the Board was not in a position to challenge the assumptions contained in the Financial Memorandum, and could only cost them.

ACTION: EE

15. QUALITY ASSURANCE SCHEME FOR SOLICITORS PROVIDING CRIMINAL LEGAL ASSISTANCE

The Committee considered a paper by Tom Murray which reported on progress with the Quality Assurance Scheme for solicitors providing criminal legal assistance.

It was reported that it was intended to complete by the end of May the current work on the criteria and the guidance which would assist peer reviewers in reviewing samples of solicitors' files as part of the Quality Assurance process.

The Committee noted the position.

16. DATE OF NEXT MEETING:

Monday 16 May 2005 at 10.30 am.

The meeting ended at 12.05 noon.