

FACULTY OF ADVOCATES

23 February 2010

Our Ref: A09-1/IGA/SB

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

Dear Ms. Irvine,

2010/2011 Budget for Consultation

I am grateful to the Commission for engaging in a helpful discussion on this issue on 15 February 2009. As indicated, I now provide the Faculty's formal response to the SLCC budget consultation and in that regard I look forward to hearing from you once it has been given due consideration. I confirm that I am happy to assist with any queries which may arise.

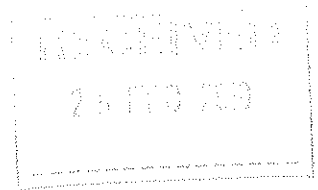
Yours sincerely,

Iain G. Armstrong, Q.C.

THE VICE-DEAN OF FACULTY

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RESPONSE

by

THE FACULTY OF ADVOCATES

to

2010/11 BUDGET FOR CONSULTATION

of

THE SCOTTISH LEGAL COMPLAINTS COMMISSION

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- 1 The Faculty is grateful to have been offered the opportunity to respond to the Commission's proposed Budget for the year 2010/11.
 - 2 There is only one matter on which the Faculty would wish to make a formal written representation, that being the issue of the appropriate level of discount to be applied to the Annual General Levy in the case of individual members of Faculty.
 - 3 The Faculty notes that the concept of proportionality is reflected in the fact that the total amount of the Annual General Levy contributed by the Faculty on behalf of its members is less than the equivalent figure contributed by the Law Society of Scotland, and that the difference between the two amounts is referable to the size of practising membership of each institution.
 - 4 The Faculty contends, however, that having embraced the concept of proportionality, it should be further applied, consistently, to produce an equitable financial burden on any class of practitioners which is consonant with the demand placed by that class on the resources of the Commission.
 - 5 As set out in Appendix 4 to the Budget for Consultation, 3 classes of practitioner who practise within Scotland - (1) in-house conveyancing practitioners or executry practitioners, (2) in-house lawyers, and (3) the Association of Commercial Attorneys - derive the benefit of a discount of the Annual General Levy of 66.6%. The Faculty understands that the origin of that figure lay in the need for a pragmatic solution to a difficulty perceived by the Law Society and that

it represented, in effect, a figure which produced a palatable amount to employers who might not otherwise renew the practising certificates of their employees.

- 6 The Faculty recognises that the Commission carries out functions other than the investigation and resolution of complaints, but understands that the process of complaints handling is the Commission's principal role and the function which exhausts, by far, the majority of its operating costs. Recognition of the fact that the Commission carries out functions other than those relating directly to complaints is a factor to be taken into account as equally in consideration of the position of the 3 classes of practitioner identified above as to consideration of the position of members of Faculty.
- 7 It is recognised by the Commission that the number of complaints generated by the professional activity of members of Faculty is vastly less than the number generated from other parts of the profession. In such circumstances, the Faculty contends that, applying the concept of proportionality consistently, if it be the case that the number of complaints generated by members of Faculty is on a par with, or less than, the number generated by any of the 3 classes identified above, then members of Faculty should be entitled to a discount of the same order as the membership of these classes.
- 8 The Faculty therefore calls upon the Commission to increase the discount currently afforded to members of Faculty, accordingly.