

**Siobhan McMahon MSP
Member of the Scottish Parliament for
Central Scotland**

Mr Michael Matheson MSP
Cabinet Secretary for Justice
Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

2 September 2015

Dear Michael

I am aware of the open letter sent to you by Falkirk Solicitor, Willie McIntyre, who has outlined that Members of the Falkirk and District Faculty of Solicitors have decided that they will not be attending the new Sheriff Appeal Court due to the inadequate legal aid rates of pay which would see lawyers out with Edinburgh suffer losses by agreeing to appear in the new court.

It is my understanding that the proposed rates of pay for solicitors are to be as set out in the Criminal Legal Aid (Scotland) Fees Regulations 1989. I believe that the last time rates were increased was back in 1992. Ironically, under the new Sheriff Appeals Court arrangement, those judges presiding at hearings, the other Court Officials, Police Officers and lawyers for the prosecution will receive 2015 rates of pay while those in court standing up for the appellant shall only receive 1992 rates of pay. I am sure that you would agree with me that this absurdity shall only serve to put our constituents in Falkirk at a disadvantage? Additionally, it would appear that because of your Government's stance on Legal Aid, any of our constituents in Falkirk who have suffered a potential miscarriage of justice will be unable to access a local solicitor for appeal work. It is simply unacceptable should it be the case that constituents are being denied access to justice.

Furthermore, I am also aware of the concerns being raised by other lawyers groups who have complained that the court will be presided over by senior sheriffs and the Crown represented by advocates-depute while appellants will only have access to a solicitor (or not in the case of those who reside in Falkirk).

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I note that the new court will sit for the first time on 22 September. What assurances can you therefore provide to Mr McIntyre and the Falkirk & District Faculty of Solicitors that the Scottish Government shall review the legal aid rates before the first sitting of the court to ensure that none of our constituents find themselves at a disadvantage.

Thank you for your assistance in this matter and I look forward to hearing from you in due course.

Yours sincerely



Siobhan McMahon MSP
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