



## FACULTY OF ADVOCATES

### Response to the Scottish Legal Complaints Commission Regulatory Statement Consultation

#### Consultation Questions

1. **Do you agree that our Regulatory Statement adequately reflects the regulatory objectives, our approach and responsibilities?**

Agree.

2. **Do you have any comments on our understanding of the regulatory objectives and how they apply to our work?**

No.

3. **Do you have any comments on our approach?**

In paragraph 2 in the context of a discussion of the Consumer Duty under the Consumer Scotland Act 2020, the statement suggests that “any user of legal services falls within the definition of a consumer”. That is not consistent with the definition of “consumer” in section 24 of the 2020 Act which, in the case of businesses, extends only to small businesses.

In the same context, it is proposed that the Commission “support and promote the consumer voice so that the views of consumers are understood and taken into account across the regulatory system, including our own work”. Section 3 of the Regulation of Legal Services (Scotland) Act 2025 requires the Commission, as a regulatory authority, so far as practicable, to exercise its regulatory functions in a manner which is compatible with the regulatory objectives. The proposal that the Commission should support and promote the consumer voice more generally, so that the views of consumers are understood and taken into account across the regulatory system goes beyond the regulatory functions of the Commission. It is also inconsistent with the Commission’s role as an independent adjudicator of complaints. If the Commission were to be seen as the voice of consumers of legal services across the regulatory system, it may be perceived as less than independent and impartial when it comes to

adjudicate upon complaints made by such consumers. In our view, a better way of putting this point in the regulatory statement would be:

- “take steps to understand the views of consumers so that they may be taken into account in the carrying out of our functions”.

In relation to paragraph 4 and the objective of promoting an independent, strong and diverse legal profession, it is unclear to us that the Commission has any locus to “promote initiatives that support entry and progression for people from under-represented or disadvantaged groups”. Issues concerning entry to and progression within the legal profession are not within the Commission’s regulatory functions.

**4. Is there any other evidence or information we should be taking into account in this statement?**

No.

**5. Do you have any other comments to make?**

No.