

PE1525/G

Minister for Community Safety and Legal Affairs

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John Pentland
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c/o Public Petitions Clerks
Room T3.40
The Scottish Parliament
Edinburgh
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Our ref: A10386320
4th March 2015

Dear John

CONSIDERATION OF PETITION PE1525

Calling on the Scottish Parliament to urge the Scottish Government to change the law to provide that legal aid is available to defend actions of defamation and challenge judgements in defamation cases.

Thank you for the letter of 4 February 2015 seeking an update from the Scottish Government on the decision of whether to review the provisions of the Civil Legal Aid for Defamation or Verbal Injury Proceedings (Scotland) Direction 2010 ("the 2010 Direction").

I have taken the decision not to review the provisions of the 2010 Direction at this time. Following consideration of a paper on the operation of the 2010 Direction by its Legal Services Policy Committee, the Scottish Legal Aid Board has refreshed its published guidance on this type of legal aid to better assist applicants and solicitors acting on their behalf in understanding how the provisions actually operate. This guidance should be given the opportunity to have an effect, especially where the differences with previous Directions may not have been widely appreciated.

There is a continuing programme of work being done by the Scottish Government and the Scottish Legal Aid Board to protect access to justice within the context of the financial pressures that exist across the public sector. This work must take priority and reviewing legal aid for defamation and verbal injury cases in isolation would not be beneficial to these aims.

PAUL WHEELHOUSE