

THE SCOTTISH LEGAL AID BOARD

MINUTE OF A MEETING OF THE LEGAL SERVICES POLICY COMMITTEE HELD AT 2.05 PM ON MONDAY 25 JULY 2011 AT 44 DRUMSHEUGH GARDENS, EDINBURGH

Present: Joseph Hughes (Convener)
Sheriff Ray Small
Lindsay Montgomery
Graham Watson
Susan McPhee
Iain Robertson
Alastair Kinroy QC

In attendance: Tom Murray, Director of Legal Services and Applications
Catriona Whyte, Head of Legal Services – Civil
Andrew McIntosh, Corporate Support Manager
Stuart Foster, Board Administrator

1. APOLOGIES FOR ABSENCE

Bill McQueen.

2. DECLARATIONS OF INTEREST

No interests not previously registered in the Register of Board Members' Interests were declared. Iain Robertson and Susan McPhee declared non-financial interests in the application in that they had been present at the Legal Services Cases Committee when the original decision on the application had been taken. They did not leave the meeting but took no part in the discussion.

3. LEGAL AID APPLICATION (C158260610)

The Committee considered a paper by Catriona Whyte concerning an application for review of a decision by the Legal Services Cases Committee to refuse an application for civil legal aid to bring proceedings in the United Kingdom Supreme Court.

After discussion, it was AGREED:

- to invite the applicant's solicitors to submit a sanction request for the employment of independent senior counsel to give opinion on the application's prospects of success and the relevant factors that should be taken into account in applying the reasonableness test;
- Catriona Whyte draft a note to the solicitors and copy to members for comment;
- the next report should include a chronology of the milestones of the case.

ACTION: CAW

4. DATE OF NEXT MEETING: Monday 10 October 2011 at 10.30a.m.
The meeting ended at 2.45p.m.