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Our Reference: 202400431685  
Your Reference: WW & J McClure Limited

25 October 2024

Dear Sam,

Thank you for your letter of 10 September 2024 in relation to the former law firm WW & J McClure Limited ("McClures").

I am grateful to Consumer Scotland for raising these important issues and for the constructive engagement between our officials.

I appreciate the issues which a number of families are facing as a result of McClures going into administration and I recognise the distress this has caused.

While I sympathise with those affected, as an ongoing regulatory matter, the Scottish Government and Scottish Ministers cannot intervene. The Scottish Government respects the need to uphold the independence of the legal profession with care and proper regard.

The Scottish Government recognises the importance of all affected clients being informed in a timely manner and having access to advice that enables them to take appropriate measures to meet their needs. As part of my regular engagement, I have raised this matter with the Law Society of Scotland to understand what action it is taking. I note that you have written separately to the Convener of the Regulatory Committee of the Law Society of Scotland with regard to its monitoring of the situation and in respect of the action it is taking to advise and assist those affected.

I would reiterate and encourage those affected to seek advice from the Law Society of Scotland and the Scottish Legal Complaints Commission who can provide information and clarity on how to seek redress through raising a complaint, making a claim under the client protection fund, or making a claim Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

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through the professional indemnity insurance scheme. These measures are in place to provide consumer protection and redress where appropriate, and these schemes remain a route to redress when a legal firm has gone into administration.

As a safeguard to aid those who may have financial difficulty in obtaining personal advice, legal aid in the form of advice and assistance is available on any matter of Scots Law, including trusts, however this would be subject to financial eligibility tests.

In terms of the accountability of the current regulatory regime, the legal profession is regulated by the Lord President. The Lord President is a regulator who is independent from government and parliament and independent from those whom he regulates. Further planned improvements to the Regulation of Legal Services (Scotland) Bill would seek to enhance the powers of the Lord President.

As you note, a number of measures in the Regulation of Legal Services (Scotland) Bill are intended to improve outcomes. That legislation aims to provide for a modern regulatory framework designed to promote competition and innovation while also improving the transparency and accountability of legal services regulation and the legal complaints system in Scotland. This government's priority is in taking forward that legislation to deliver those benefits.

Yours sincerely,



**SIOBHIAN BROWN**

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