

Committee Debate

Net Zero, Energy and Transport Committee
and Equalities, Human Rights and Civil
Justice Committee Debate: The Aarhus
Convention and Access to Environmental
Justice

April 2025

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

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Our Environmental sub-committee and Access to Justice committee welcome the opportunity to comment ahead of the committee debate on The Aarhus Convention and Access to Environmental Justice. The committee and sub-committee have the following comments to put forward for consideration:

Aarhus requires that access to justice be fair, equitable, timely, and not prohibitively expensive. We are aware of calls to broaden the scope of legal aid to include NGOs and community groups by amending Regulation 15 of the Civil Legal Aid (Scotland) Regulations 2002. These are essentially group actions (charities, groups, communities) which are not currently covered by legal aid.

Finding civil legal aid representation is becoming increasingly difficult. If we then consider cases outwith the central belt, and those focusing on specialised areas of law, this becomes even more challenging. An example of this can be seen in environmental cases where, anecdotally, there's a real struggle to find legal aid solicitors in Scotland who will accept environmental (and related planning law) cases. Effective access to justice requires attention to be paid to the formal procedures for resolving disputes, as well as timely access to expert advice. We consider a well-resourced and funded legal aid system vital to this.

UNCRC and any forthcoming human rights bill must also make it easier for citizens to access remedies. This only works if the system is already there to enable this. Compliance and public participation are important elements, the latter being at the heart of the Aarhus Convention. Communities and the public should be able to meaningfully engage with developments and plans so that they can be part of the process, and how risks around process and unknown costs can be lessened should be considered to ensure wider participation.



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