

Cabinet Secretary for Social Justice, Communities and Pensioners' Rights
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Dear Alison

Thank you for your letter of 16 February addressed to the Minister for Local Government and Community Empowerment. You ask several questions arising from the story that appeared in the press regarding the ownership of Parliament House, High Street, Edinburgh, currently the home of the Court of Session. Perhaps it would be helpful if, at the outset, I set out the history of Parliament House.

History

Parliament House has a long history. The oldest part of Parliament House is Parliament Hall which was built at the request of Charles I in 1632 to house the Parliament, the Court of Session and the Privy Council. It was paid for by Edinburgh Town Council. After the Act of Union in 1707 Parliament House (Hall) was used almost exclusively as the Court of Session with the Laigh Hall (or lower Hall) being used by the Faculty of Advocates. In the Early 19th Century, around the same time as the Town Council is understood to have handed over responsibility to the Crown for the upkeep of the building, improvements to the accommodation of the court began.

Initially this included the expanding into the neighbouring Treasury Chambers. Following the Great Fire of 1824 further expansion took place. Surrounding private buildings were bought up by the Crown. In 1852 the current Parliament House complex (which comprises a series of interlinked properties including the original Parliament Hall) was vested in the Commissioners of Public Works by virtue of section 4 of the Commissioners of Works Act 1852. The statutory successor to the Commissioners was the Secretary of State for the Environment and then the Scottish Ministers on devolution.

1852 Parliament House would have included the areas of courts 1, 2, 3, 9, 12, 13, 14, the Hall and the Exchequer building on the North East corner of the Square (now the judicial library). The land for courts 4 & 5 was bought from the Union Bank in 1880 and the land for courts 6, 7 and 8 was bought from the Council in the 1970s & 80s.

Turning to the questions raised by you:

Confirmation of the role of the Scottish Government in the registration of Parliament House in the name of the Scottish Ministers.

Prior to the beginning of a major refurbishment project of Parliament House, officials within the Scottish Government undertook extensive research to put beyond doubt what Parliament House fully comprised. Specifically, they commissioned Millar and Bryce, an independent search company, to undertake a search of the Register of Sasines; they examined relevant legislation including the effect of Commissioner of Works Act 1852; and they contacted all those who may potentially have had an interest, including City of Edinburgh Council.

Knowledge of the Scottish Government at the time [of registration] about the ownership of Parliament House.

The research undertaken by officials indicated that Scottish Ministers owned Parliament House but, in the absence of one clear title deed (with a plan), it was not possible to establish the precise boundaries of the land, and in particular how the land purchased between 1825 and 1852 relates to Parliament House today. It was for that reason that they took the precaution of registering their title.

Confirmation of the recent reports that Parliament Hall was a part of the common good property of the city.

The history set out above indicates, in 1852 the buildings forming Parliament House at the time, including the original Parliament Hall, were vested in the Commissioners of Public Works by virtue of section 4 of the Commissioners of Works Act 1852. The statutory successor to the Commissioners was the Secretary of State for the Environment and then Scottish Ministers on devolution. If Parliament Hall was part of the common good property of the city it ceased to be so at that time (1852).

Whether the legal status of the land and buildings retains any common good status despite the 2006 voluntary registration in the name of Scottish Ministers.

Commissioners of Works Act 1852 transferred ownership of Parliament Hall to the Crown and I am satisfied that Scottish Ministers were entitled to register a title in 2006. In addition, the Keeper issued a Land Certificate without exclusion of indemnity which has the effect of the Keeper having to indemnify a proprietor who suffers a loss as a result of the title being successfully challenged. Any question regarding the legal status of Scottish Ministers' title is therefore for the Keeper in the first instance.

Grounds and reasons for parts of the building being subsequently transferred to the ownership of the Faculty of Advocates?

The interior of Laigh Hall, which sits beneath Parliament Hall, was transferred by Scottish Ministers to the Faculty of Advocates in 2006. Title was transferred due to the fact the Faculty has occupied the property since the early 18th Century and is responsible for its maintenance and upkeep. The Faculty is restricted by its title to using the Hall as a library and study area for members of Faculty.

**ould the current Scottish Government be open to transferring title back to the
mmon good if it is established that Parliament House was a common good asset?**

was transferred by Scottish Ministers to the Scottish Court Service, an independent
y corporate led by the Lord President, in 2010. However, in response to your FMQ on 19
bruary, the First Minister suggested that the Council might meet Mr Biagi to discuss the
tter. A meeting has yet to be arranged. I also understand that in consequence of a
tion passed by the Council on 24 February the Chief Executive has now written to the
rmanent Secretary.

Community Empowerment Bill

Community Empowerment Bill will require local authorities to carry out a public
consultation before publishing a list of their common good property, and to consult
ommunities in the area before any disposal or change of use of any common good asset.
s will allow people to be aware of what is held for the common good, to highlight any
erty they believe to be common good which the council may not have listed, and to
ke their views known before any proposed changes take place. The timescale for
mpleting the register will be set once the Bill is passed, but I do not expect it to take long
any local authority to publish the list of common good property that they should already
d.

al authorities are responsible for the management of their Common Good Funds and
er common good assets. In performing this and their other functions local authorities are
er statutory duties to deliver Best Value and to observe proper accounting practices. Any
ure in this regard would be a matter for audit.



ALEX NEIL