Our ref: 2014/0002746
26 February 2014

Dear [Name],

I refer to the letter regarding the legal title to Parliament House, which was passed on to the First Minister for Scotland. I have been asked to reply.

I have consulted with Registers of Scotland, as this organisation is responsible for compiling and maintaining registers relating to property and other legal documents.

I'm unsure how familiar you are with the registration process so it may be helpful if I explain that there are two systems of property registration in Scotland. The historic Register of Sasines, a deeds based register, is progressively being replaced by the Land Register of Scotland, in which there is a State guarantee of title. Title to property usually enters the Land Register on a sale, although a proprietor may voluntarily apply for their title to be registered. At the point of registration in the Land Register the Keeper of the Registers of Scotland undertakes a full examination of the progress of title deeds and enters their effect in a title sheet. It is at this time that any issues, such as the property forming part of the common good, would be identified and any appropriate action taken.

In your letter, you indicate that the Faculty of Advocates took title to Parliament House; it was in fact the Scottish Ministers that took title by way of a Disposition granted by the Scottish Court Service in their favour, and this triggered first registration of the subjects in the Land Registration. The Faculty of Advocates subsequently acquired from the Scottish Ministers title to Laigh Hall, which forms part of Parliament Hall within Parliament House.

During examination of title it was discovered that the historical titles for Parliament House contained vague descriptions, which is not unusual for property of that age and type. Accordingly, confirmation was obtained from a number of parties, including the City of Edinburgh Council (who manage Common Good Land in Edinburgh), that they had no right, title or interest to any part of Parliament House.

Victoria Quay, Edinburgh EH6 6QQ
www.scotland.gov.uk
If you would like any further information about the Common Good of the City of Edinburgh, I suggest that you contact the Council.

I hope this is helpful.

Yours sincerely
June 2014

Date

CONVX672/IDS

Our Ref

Your Ref

Dear Sirs

PARLIAMENT HOUSE, EDINBURGH

I refer to the above. I write in connection with the Land Certificate issued to the Scottish Ministers for Title Number MID83631, being in respect of subjects at Parliament House, High Street, Edinburgh. I also note that subsequent to the Scottish Ministers' application for registration of the subjects in this title, an onward conveyance of part of the property, being the Laigh Hall, High Street, Edinburgh, was granted to the Faculty of Advocates, whose own title is now registered in the Land Register under Title Number MID86039. For information I include copies of Registers Direct title sheets for both interests.

This property has come to my attention as the Council has reason to believe that it, and not the Scottish Ministers or the Faculty of Advocates, is the rightful heritable proprietor of Parliament Hall, and also the Laigh Hall beneath it, and as such there may have been an error in the issuing of the Land Certificates in respect of these subjects.

It may be that there is some information the Council is unaware of, which would clarify this matter, but it would be helpful if the Council could discuss this with you, to get a full understanding as to how the Scottish Ministers felt they had a good title to this site, and that they were the rightful owner of Parliament Hall/Laigh Hall.
I should be grateful if the relevant person in your conveyancing department could contact me to discuss this matter.

I look forward to hearing from you.

Yours faithfully

[Signature]

Principal Solicitor
A. PROPERTY SECTION

Description:
Subjects PARLIAMENT HOUSE, HIGH STREET, EDINBURGH tinted pink and blue on the Title Plan; together with (One) the servitudes contained in the Disposition in Entry 2 of the Burdens Section and (Two) the subsisting rights to real burdens specified in the Schedule of Particulars relative to Subsisting Rights to Real Burdens below.

Schedule of Particulars Relative to Subsisting Rights to Real Burdens

<table>
<thead>
<tr>
<th>Entry No</th>
<th>Benefited Property</th>
<th>Real Burdens</th>
<th>Burdened Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Subjects in this Title</td>
<td>Disposition to Treasurer of Faculty of Advocates, registered 23 Jan. 2006 specified in Entry 2 of the Burdens Section.</td>
<td>Subjects Laigh Hall, High Street, Edinburgh edged and numbered 1 in green on the Title Plan, being the subjects registered under Title Number MID 86039</td>
</tr>
</tbody>
</table>

Notes:
1. As to the part tinted blue on the Title Plan, the two bridges connecting Parliament House with The Solicitors Buildings at ground floor level and -1 level of Parliament House, with the fifth and third floor levels respectively of The Solicitors Buildings, are not included in this Title.
2. The parts specified in the Schedule of Removals below have been removed from this Title.
3. The parts edged and numbered in yellow on the Title Plan have been leased - for particulars see Schedule below.

Schedule of Removals

<table>
<thead>
<tr>
<th>Entry No</th>
<th>No in Green on title</th>
<th>Subjects</th>
<th>Date of Recording or Registration</th>
</tr>
</thead>
</table>
|          |                      | Room known as Laigh Hall, High Street, Edinburgh ("the Subjects") but only to the extent of the inner surfaces of the walls, floor and ceiling thereof and excluding all structural pillars within the said Hall, all electricity mains or cables, gas supply pipes and ducts, water supply pipes, sewage disposal pipes, drainage pipes and all electrical and mechanical and other plant and equipment and service connections passing through the Subjects but exclusively serving parts of said Parliament House other than the Subjects (which electricity mains or cables and other are referred to in the Disposition in Entry 2 of the Burdens Section as "the Services").

Schedule of Leases

<table>
<thead>
<tr>
<th>Entry No</th>
<th>No on Plan</th>
<th>Plot No</th>
<th>Subjects</th>
<th>Tenant</th>
<th>Date of Recording or Registration</th>
<th>Term</th>
<th>Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>60 years from and after 13 Jun. 2008</td>
<td>60 years from and after 13 Jun. 2008</td>
<td>£1.00 per annum if asked</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td></td>
<td>Electricity substation within a room on the ground floor</td>
<td>SP Distribution Limited</td>
<td>07/08/2008</td>
<td>60 years from and after 13 Jun. 2008</td>
<td>£1.00 per annum if asked</td>
</tr>
</tbody>
</table>

This is a Quick Copy which reflects the position at the date the Title Sheet was last updated.

It does not have the evidential status of an Office Copy.

B. PROPRIETORSHIP SECTION

Title Number: MID83631

<table>
<thead>
<tr>
<th>Entry Number</th>
<th>Date of Registration</th>
<th>Proprietor</th>
<th>Consideration</th>
<th>Date of Entry</th>
</tr>
</thead>
</table>

This is a Quick Copy which reflects the position at the date the Title Sheet was last updated.

It does not have the evidential status of an Office Copy.

C. CHARGES SECTION

Title Number: MID83631

There are no entries.

This is a Quick Copy which reflects the position at the date the Title Sheet was last updated.

It does not have the evidential status of an Office Copy.

D. BURDENS SECTION

Title Number: MID83631 Number of Burdens: 4

Entry Number Burden Preamble

1 Disposition by Secretary of State for the Environment to The Society of Solicitors in the Supreme Courts of Scotland and their assignees, recorded G.R.S. (Midlothian) 2 Sep. 1997, of the two bridges, within the subjects tinted blue on the title plan, connecting Parliament House with The Solicitors Buildings at ground floor level and -1 level of Parliament House, with the fifth and third floor levels respectively of The Solicitors Buildings, (hereinafter referred to as "the Bridge"), contains the following rights which burden the subjects in this Title.

2 Disposition by Scottish Ministers to Sidney Neil Brailsford as Treasurer for Honourable Faculty of Advocates as Trustee and in Trust for said Faculty, (hereinafter referred to as "our disponees"), registered 23 Jan. 2006, of room known as Laigh Hall, Parliament House, High Street, Edinburgh being the subjects registered under Title Number MID 86039 (hereinafter referred to as "the Subjects"), contains the following servitudes in favour of the Subjects which affect the subjects in this Title.

3 The rights of the tenants under the Leases specified in the Schedule of Leases in the Property Section are burdens on the subjects in this Title.

4 Lease by the Scottish Ministers (who and whose successors are hereinafter referred to as "the Landlords") to SP Distribution Limited and their successors and assignees ("the Tenants") registered 7 Aug. 2008, of the subjects edged and numbered 1 in yellow on the Title Plan, being an indoor electricity substation within a ground floor room, contains inter alia the following rights which affect the subjects in this Title.

Entry Number Burden Detail

1 Disposition by Secretary of State for the Environment to The Society of Solicitors in the Supreme Courts of Scotland and their assignees, recorded G.R.S. (Midlothian) 2 Sep. 1997, of the two bridges, within the subjects tinted blue on the title plan, connecting Parliament House with The Solicitors Buildings at ground floor level and -1 level of Parliament House, with the fifth and third floor levels respectively of The Solicitors Buildings, (hereinafter referred to as "the Bridge"), contains the following rights which burden the subjects in this Title: (One) a heritable and irredeemable servitude right of support over the Parliament House Building and Solicitors Buildings for the Bridge, (Two) a heritable and irredeemable servitude right of overhang over the ground situated directly beneath the Bridge, together with all necessary rights of access and egress over the said ground for maintenance, repair and rebuilding of the Bridge, subject to payment for any damage, loss or injury occasioned by the exercise of such right of access, and (Three) a heritable and irredeemable servitude right of access for the said disponees and their invitees and tenants including without prejudice to the foregoing generality all workmen, clients and other persons authorised by them over the Parliament House Buildings using all.

existing stairs, doors, corridors, passages, hallways or any which may be formed in the future including routes as may be open to the public, and other routes as agreed between us and our said disponees.

Entry Number Burden Detail
2 Disposition by Scottish Ministers to Sidney Neil Brailsford as Treasurer for Honourable Faculty of Advocates as Trustee and in Trust for said Faculty, (hereinafter referred to as "our disponees"), registered 23 Jan. 2006, of room known as Laigh Hall, Parliament House, High Street, Edinburgh being the subjects registered under Title Number MID 86039 (hereinafter referred to as "the Subjects"), contains the following servitudes in favour of the Subjects which affect the subjects in this Title: (One) a servitude right of access to the Subjects through Parliament House, High Street, Edinburgh, being the subjects in this Title (hereinafter referred to as "the Building"), the route of which shall at any time be within the discretion of us or our successors as proprietors of the Building, using reasonable endeavours to make the access route as convenient as possible; and (Two) free and uninterrupted passage and running of water, soil, drainage, gas, electricity, telephone and all other services in and through the drains, sewers, water courses, pipes, wires, cables and other conducting media in so far as presently passing through the Building and serving the Subjects (whether or not in common with other parts of the Building) as the same may be altered or extended or renewed from time to time, together with all necessary rights to connect into and/or use the Services (as described in the Schedule of Removals in the Property Section) on payment of an equitable share of the expense of using the same where it is not possible or not economic to install separate metering to record the extent to which such Services are used exclusively by our disponees but our disponees shall be obliged on being given not less than one years notice in writing to discontinue their connection to and use of electricity and heating services used in common with the Building; And also the following real burdens and servitudes in favour of the proprietors of "the Building": (One) a servitude right of access through the Subjects for all purposes at all times including, without prejudice to the foregoing, the inspection of the Subjects and the Building, the carrying out of repairs and alterations to the Building, the supervision of security systems in the Building and the emergency evacuation of the Building; for the purpose of this servitude the Subjects shall be left unlocked at all times and our disponees shall not obstruct any entrances or exits to or from the Subjects; (Two) for the purpose of exercising the said servitude right of access we hereby reserve the right to use existing means of access or to create new means of access to the Subjects and if required by us stop up existing means of access; (Three) a servitude right for the free and uninterrupted passage and running of ventilation, heating, water, soil, gas, electricity, heating, telephone and all other services through the Subjects together with a right at all reasonable times to enter the Subjects for the purpose of inspecting, cleaning, repairing, altering, extending or renewing any service equipment declaring that the foregoing servitude rights shall at all times be exercised by us and ourforesaid in such a way as to cause the minimum of disturbance to and disruption of the occupation of the Subjects by our disponees and, without prejudice to the foregoing generality, we and our foresaid shall give our disponees reasonable prior notice of our intention to obtain access to the Subjects for any of the foregoing purposes except where access is required to other parts of the Building and the most convenient or the only means of access is through the Subjects and also in cases of emergency when no such prior notice shall be required; (Four) the Subjects shall be used by our disponees.
primarily as a library and study area for their members and as ancillary
to such primary use for exhibitions, seminars, conferences, run by our
disponees for the benefit of their members and guests" and for no other
purpose without our prior written consent which shall not be
unreasonably withheld for any use which is compatible with the primary
activities of our disponees and the use of the Subjects as a library and
study area; (Five) our disponees shall uphold, maintain, repair and renew
the Subjects and shall not make alterations or additions thereto without
our prior written consent which consent shall not be unreasonably
withheld or delayed where such alterations or additions do not affect the
structure of the Building; (Six) it shall not be in the power of our
disponees or their assignees or successors in ownership or or having
power of sale of the Subjects or any part thereof to sell, alienate or
dispose of the Subjects or any part thereof to any person until they have
first offered the same in writing to us or our successors as proprietors of
the Building for the time being at the price of one pound and we or our
successors shall be bound to intimate in writing, acceptance or refusal of
the offer within 21 days after the offer shall have been received; (Seven)
in the event of substantial damage to or destruction of the Building and
we or our successors (acting reasonably) determining that the Building
(including the Subjects) is not to be reinstated so as to provide broadly
comparable accommodation our disponees shall forthwith on being called
upon in writing to do convey the subjects to us at the price of one pound.

<table>
<thead>
<tr>
<th>Entry Number</th>
<th>Burden Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>The rights of the tenants under the Leases specified in the Schedule of Leases in the Property Section are burdens on the subjects in this Title.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Entry Number</th>
<th>Burden Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Lease by the Scottish Ministers (who and whose successors are hereinafter referred to as &quot;the Landlords&quot;) to SP Distribution Limited and their successors and assignees (&quot;the Tenants&quot;), registered 7 Aug, 2008, of the subjects edged and numbered 1 in yellow on the Title Plan, being an indoor electricity substation within a ground floor room, contains inter alia the following rights which affect the subjects in this Title: together with (One) an unrestricted right of access to and egress from the substation site 24 hours a day (subject to reporting to the security office on site) for vehicular and pedestrian traffic over and across the access route hatched mauve on said Plan (Two) an unrestricted right to lay, use, inspect, maintain, repair, remove, renew, replace and or enlarge in, through and over those areas of ground shown by a blue broken line on said Plan (&quot;the cable route&quot;) all cables, pipes, drains and other underground works (hereinafter referred to as &quot;the electric lines&quot;) required by the Tenants in the exercise of their functions as statutory electricity undertakers with all necessary rights of access thereto; and (Three) an unrestricted right of access for the purpose of erecting, inspecting, maintaining, repairing the substation and the ancillary apparatus and equipment enclosed within the substation site and all endorses (all hereinafter referred to as &quot;the Leased Subjects&quot;) subject to, in each of cases (One), (Two) and (Three), the Tenants being liable to (a) make good to the reasonable satisfaction of the Landlords or pay reasonable compensation to the Landlords for any damage caused in the exercising of such rights and (b) exercise such rights so as to cause the least inconvenience practicable to the Landlords and occupiers of the said building.</td>
</tr>
</tbody>
</table>
This is a Quick Copy which reflects the position at the date the Title Sheet was last updated. It does not have the evidential status of an Office Copy.

This is an electronic Watermarked Copy
Search Summary
Date: 06/11/2013  Time: 14:56:44
Search No.: 2013-03199493  User Reference: Sasine

A. PROPERTY SECTION

Title Number: MID86039  Date of First Registration: 23/11/2005
Date Title Sheet updated to: 23/01/2006  Date Land Certificate updated to: 23/01/2006
Hectarage Code: 0  Interest: PROPRIETOR
Map Reference: NT2573NE

Description:
Subjects LAIGH HALL, PARLIAMENT HOUSE, HIGH STREET, EDINBURGH comprising the room on the lower floor shown edged red on the Title Plan (said subjects extending only to the inner surfaces of the walls, floor and ceiling thereof); together with the servitude rights contained in the Disposition in Entry 1 of the Burdens Section.

Notes:
1. The structural pillars within the subjects in this Title, all electricity mains or cables, gas supply pipes and ducts, water supply pipes, sewage disposal pipes, drainage pipes and all electrical and mechanical and other plant and equipment and service connections passing through the subjects in this Title but exclusively serving parts of Parliament House, High Street, Edinburgh, other than the subjects in this Title (which electricity mains or cables and others are referred to as "the Services" in the Disposition in Entry 1 of the Burdens Section), are not included in this Title.

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B. PROPRIETORSHIP SECTION

Title Number: MID86039

<table>
<thead>
<tr>
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<th>Proprietor</th>
<th>Consideration</th>
<th>Date of Entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>23/01/2006</td>
<td>SIDNEY NEIL BRAILSFORD Queen's</td>
<td>No Consideration</td>
<td>20/12/2005</td>
</tr>
</tbody>
</table>

Counsel, Treasurer of
HONOURABLE THE
FACULTY OF
ADVOCATES Edinburgh,
as Trustee and in Trust
for said Faculty.

This is a Quick Copy which reflects the position at the date the Title Sheet was
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C. CHARGES SECTION

<table>
<thead>
<tr>
<th>Title Number:</th>
<th>MID86039</th>
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</table>

There are no entries.

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last updated.

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D. BURDENS SECTION

<table>
<thead>
<tr>
<th>Entry Number</th>
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</tr>
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</table>
| 1            | Disposition by Scottish Ministers to Sidney Neil Brailsford as Treasurer for Honourable Faculty of Advocates as Trustee and in Trust for said Faculty, (hereinafter referred to as "our disponees"), registered 23 Jan. 2006, of room known as Laigh Hall, Parliament House, High Street, Edinburgh being the subjects in this Title (hereinafter referred to as "the Subjects"), contains the following servitudes in favour of the subjects in this Title: (One) a servitude right of access to the Subjects through Parliament House, High Street, Edinburgh, being the subjects registered under Title Number MID 83631 (hereinafter referred to as "the Building"), the route of which shall at any time be entirely within the discretion of us or our successors as proprietors of the Building, using reasonable endeavours to make the access route as convenient as possible; and (Two) free and uninterrupted passage and running of water, soil, drainage, gas, electricity, telephone and all other services in and through the drains, sewers, water courses, pipes, wires, cables and other conducting media in so far as presently passing through the Building and serving the Subjects (whether or not in common with other parts of the Building) as the same may be altered or extended or renewed from time to time, together with all necessary rights to connect into and/or use the Services (as described in the Property Section) on payment of an equitable share of the expense of using the same where it is not possible or not economic to install separate metering to record the extent to which such Services are used exclusively by our disponees but our disponees shall be obliged

<table>
<thead>
<tr>
<th>Entry Number</th>
<th>Burden Detail</th>
</tr>
</thead>
</table>
| 1            | Disposition by Scottish Ministers to Sidney Neil Brailsford as Treasurer for Honourable Faculty of Advocates as Trustee and in Trust for said Faculty, (hereinafter referred to as "our disponees"), registered 23 Jan. 2006, of room known as Laigh Hall, Parliament House, High Street, Edinburgh being the subjects in this Title (hereinafter referred to as "the Subjects"), contains the following servitudes in favour of the subjects in this Title: (One) a servitude right of access to the Subjects through Parliament House, High Street, Edinburgh, being the subjects registered under Title Number MID 83631 (hereinafter referred to as "the Building"), the route of which shall at any time be entirely within the discretion of us or our successors as proprietors of the Building, using reasonable endeavours to make the access route as convenient as possible; and (Two) free and uninterrupted passage and running of water, soil, drainage, gas, electricity, telephone and all other services in and through the drains, sewers, water courses, pipes, wires, cables and other conducting media in so far as presently passing through the Building and serving the Subjects (whether or not in common with other parts of the Building) as the same may be altered or extended or renewed from time to time, together with all necessary rights to connect into and/or use the Services (as described in the Property Section) on payment of an equitable share of the expense of using the same where it is not possible or not economic to install separate metering to record the extent to which such Services are used exclusively by our disponees but our disponees shall be obliged

on being given not less than one years notice in writing to discontinue their connection to and use of electricity and heating services used in common with the Building; And also under the following real burdens and servitudes in favour of the proprietors of "the Building": (One) a servitude right of access through the Subjects for all purposes at all times including, without prejudice to the foregoing, the inspection of the Subjects and the Building, the carrying out of repairs and alterations to the Building, the supervision of security systems in the Building and the emergency evacuation of the Building; for the purpose of the servitude the Subjects shall be left unlocked at all times and our disponees shall not obstruct any entrances or exits to or from the Subjects; (Two) for the purpose of exercising the said servitude right of access we hereby reserve the right to use existing means of access or to create new means of access to the Subjects and if required by us stop up existing means of access; (Three) a servitude right for the free and uninterrupted passage and running of ventilation, heating, water, soil, gas, electricity, heating, telephone and all other services through the Subjects together with a right at all reasonable times to enter the Subjects for the purpose of inspecting, cleaning, repairing, altering, extending or renewing any service equipment declaring that the foregoing servitude rights shall at all times be exercised by us and our foresaid in such a way as to cause the minimum of disturbance to and disruption of the occupation of the Subjects by our disponees and, without prejudice to the foregoing generality, we and our foresaid shall give our disponees reasonable prior notice of our intention to obtain access to the Subjects for any of the foregoing purposes except where access is required to other parts of the Building and the most convenient or the only means of access is through the Subjects and also in cases of emergency when no such prior notice shall be required; (Four) the Subjects shall be used by our disponees primarily as a library and study area for their members and as ancillary to such primary use for exhibitions, seminars, conferences; run by our disponees for the benefit of their members and guests and for no other purpose without our prior written consent which shall not be unreasonably withheld for any use which is compatible with the primary activities of our disponees and the use of the Subjects as a library and study area; (Five) our disponees shall uphold, maintain, repair and renew the Subjects and shall not make alterations or additions thereto without our prior written consent which consent shall not be unreasonably withheld or delayed where such alterations or additions do not affect the structure of the Building; (Six) it shall not be in the power of our disponees or their assignees or successors in ownership of or having power of sale of the Subjects or any part thereof to sell, alienate or dispose of the Subjects or any part thereof to any person until they have first offered the same in writing to us or our successors as proprietors of the Building for the time being at the price of one pound and we or our successors shall be bound to intimate in writing, acceptance or refusal of the offer within 21 days after the offer shall have been received; (Seven) in the event of substantial damage to or destruction of the Building and we or our successors (acting reasonably) determining that the Building (including the Subjects) is not to be reinstated so as to provide broadly comparable accommodation our disponees shall forthwith on being called upon in writing to do convey the subjects to us at the price of one pound.

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Jan

Scottish Government – Faculty of Advocates – Parliament Hall, Laigh Hall – Title Query – City of Edinburgh Council

My initial thoughts are that we need to check our titles and the SG's understanding of the position. The next steps would seem to be:

- Study the [redacted] files [redacted]. Can we see them please?
- Check with the Faculty of Advocates their understanding of the situation;
- Go back to CEC with our conclusions.

In my team suggested I might get in touch with you to find out if you or your team can assist with this correspondence from Edinburgh City Council. I imagine [redacted] has
been pointed in my direction since my division deals with courts generally.

Jan

Jan Marshall
Deputy Director
Civil Law and Legal System Division
Room GW.08
St Andrew's House
Edinburgh EH1 3DG

Tel: 0131-244 2698
Blackberry: 07837172137

From: [REDACTED]
Sent: 18 June 2014 16:30
To: Marshall J (Jan)
Subject: [PROTECT] Parliament Hall, Edinburgh

Ms Marshall

I refer to the above property. I was passed your contact details by [REDACTED], the Scottish Court Service. I was speaking with [REDACTED] on the back of my letter of 6 June, copy attached, which had been passed to him.

I appreciate that you may not be the correct person to discuss this with, and apologies if that is the case, but if you were able to pass me onto the correct office, that would be much appreciated.

There might well be facts here which explain how the Scottish Ministers had a valid title, and which myself and my colleagues are unaware of, and it is this which it would be very helpful for me to understand.

I look forward to hearing from yourself or one of your colleagues.

Regards

[REDACTED]

Solicitor - Real Estate, Planning and Transportation Team | Legal, Risk and Compliance | The City of Edinburgh Council | Level 2.1 Waverley Court | 4 East Market Street | EH8 8BG

This advice is strictly privileged and confidential and is intended for use by the recipient only.

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Solicitor
Risk and Compliance
City of Edinburgh Council
2.1 Waverley Court
4 Market Street
EDINBURGH
EH8 8BG

Your ref: CONVX672/IDS
Our ref: Paul Cackette
4th August 2014

Dear,

I refer to your letter of 6 June 2014 to [redacted] of the Scottish Government. I understand you may already have had a reply from Scottish Court Service, who acquired title from the Scottish Ministers under the Property Transfer Order pursuant to the Judiciary & Courts (Scotland) Act 2008. [http://www.legislation.gov.uk/ssi/2010/40/contents/made](http://www.legislation.gov.uk/ssi/2010/40/contents/made) I have been asked to reply on behalf of the Scottish Ministers simply to give you a little more detail and give you some further information which may assist you in any enquiries you wish to make with the Keeper of the Registers of Scotland. The information we have is what is readily to hand in the two files held within this Legal Directorate as we acted for the Scottish Ministers in the voluntary registration.

The title to the various parts of the structure appears to have been complex and unclear. I attach a copy of the Form 4. You will see that Item 6 “Additional Information” lists the documents that were presented at that time as including a Report on Title from Millar & Bryce, Quick Copies of all of the 89 deeds listed in their Report plus further papers and correspondence. Considerable effort seems to have been made to investigate the position before proceeding with a voluntary registration by way of a Disposition that was in part a non domino. The file does not have a complete copy of the Application, however, I attach copies of Millar & Bryce’s letter/report to the Scottish Executive of 15 November 1999 and what we believe is the Title Report prepared by the Office of the Solicitor to Scottish Executive referred to in the Form 4. From this it appears that a considerable amount of work was carried out in obtaining the best evidence of title as well as possession.

As part of the registration process, the Keeper received confirmation that the Council had no interest in the site and this was obtained, as per the attached letter from CEC (Kathleen Gibb) to Scottish Executive (referred to at Item 6 on the Form 4 attached). Similar enquiries were made of The Society of Writers to the Signet, the Church of Scotland and Historic Scotland.
The Keeper then issued a Land Certificate without exclusion of indemnity.

I cannot comment at all on what claim the Council may have had in the site. However, the Keeper has now issued a Land Certificate without exclusion of indemnity.

I hope this gives you the information you need for any discussion with the Keeper.

Yours sincerely

PAUL CACKETTE

Documents Enclosed

1. Form 4
3. Office of the Solicitor to the Scottish Executive Title Report
4. Letter from City of Edinburgh Council
### INVENTORY OF WRITS RELEVANT TO APPLICATION FOR REGISTRATION (see Note 1)

*Title Number(s)*
*(to be completed for a dealing with registered interests in land)*

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<td>Charge Certificate*</td>
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<td>Feu Charter*</td>
<td>Upright Builders Ltd</td>
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*Notes 1-4 referred to are contained in Notes and Directions for Completion of Inventory Writs Relevant to Application for Registration.*

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**FOR OFFICIAL USE ONLY**

**APPLICATION NUMBER**

**DATE OF RECEIPT**

**TITLE NUMBER**

The Writs marked "S" on this inventory were received on the Date of Receipt stamped on this page.

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<td>The Scottish Ministers</td>
<td>17 May 1880</td>
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<td>2</td>
<td>S ✓ Copy Disposition</td>
<td>Commissioners of H M Works &amp; Buildings</td>
<td>15 Aug 1979</td>
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<td>S ✓ Disposition</td>
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**INVENTORY**

Particulars of Writs (see Note 4)

Please Mark "S" against documents submitted.
REPORT ON TITLE FROM MILLAR & BRYCE

QUICK COPIES OF ALL 89 DEEDS LISTED IN MILLAR & BRYCE REPORT

LEVER ARCH FILE CONTAINING:

NOTES ON ABOVE DEEDS.

FOLDER CONTAINING:

TITLE REPORT PREPARED IN OFFICE OF SOLICITOR TO SCOTTISH EXECUTIVE

COPY SEARCH SHEETS

CORRESPONDENCE FROM OSSE TO KEEPER
Dear Sirs,

Parliament House, Edinburgh

We refer to your letter of 4 November 1999, to prior correspondence and to our telephone conversations regarding the above subjects.

We now provide details of the abridgements of the 89 deeds we have been able to identify which may be relevant to the property at Parliament House and the Court of Session.

1) Disposition by Robert Dempster to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the north half of the third Story above the Shops of a Tenement of land with a Cellar, on the east side of the Parliament Close recorded 27 August 1825.


3) Disposition by James Skinner to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the north half of the fourth Story above the Shops of a great Building with 4 Garrets and a Cellar on the east side of the Parliament Close recorded 3 October 1825.

4) Disposition by Elizabeth McDonald to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the south half of the first Story below the Shops of a great Tenement of land with a Cellar on the east side of the Parliament Close recorded 20 October 1825.

5) Disposition by Thomas Boswell to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the south half of the fifth Story of a Tenement of land with a Cellar on the south side of the High Street in the Entry to the Parliament Close recorded 27 October 1825.
6) Disposition by John Rhind to the Trustees under an Act of Parliament
"For the Erection of certain Courts and Offices of Justice in Scotland" of the north half of the first Story with 2 Garrets of a Tenement of land on the south side of the High Street at the Entry to the Parliament House, and the third Story above the Shops of a Tenement of land on the south side of the High Street a little above the Cross of Edinburgh recorded 2 November 1825.

7) Disposition by John Bradfute to Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the south half of the first Story above the Piazzas of a Tenement of land called Blair’s Land on the south side of the High Street, and a Shop with a laigh Shop below the same, and Cellar, Coal House and Kitchen below said laigh Shop on the east side of the Parliament Close recorded 21 December 1825.

8) Disposition by the Trustee for the Creditors of John Law to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the uppermost Story and Garrets of a Tenement of land on the west side of the Royal Bank Close recorded 22 December 1825.

9) Disposition by James Mackay to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the north half of the fifth Story above the fore Shop of a great Tenement of land with the Garrets and Cellars thereto belonging on the east side of Parliament Close recorded 29 December 1825.

10) Disposition by Alexander Wight to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a high Shop and laigh Booth or Shop below the same of a Tenement on the south side of the High Street, 2 Shops or Booths in a Tenement of land on the south side of the said High Street, Area or Piece of ground with the Building thereon being part of an Area at the head of the Fishmarket Close, and a fore and back Room being the first Story above the Piazza of Pitcairlies Land on the south side of the High Street recorded 31 December 1825.

11) Disposition by the Trustees of George Williamson to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the fourth and fifth Stories of a great Tenement of land with the Garrets and Cellars thereto belonging in the Parliament Close recorded 18 January 1826.

12) Disposition by James Dickson to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of two Dwelling Houses in the first Story of the scale Stair downward from the Parliament Close of a Tenement of land with a Cellar on the south side of said Close, and 3 Shops turned into one of a Tenement of land on the south side of the Parliament Close recorded 18 January 1826.
13) Disposition by Robert Pitcairn to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of the first Story of a Tenement of land with a Cellar in the Parliament Close, the lowest Story on the south side of the scale Stair of a Tenement called Blair’s Land with the Vaults and Cellars and Rooms adjoining to the back thereof in the Parliament Close, and a Dwelling House or Tavern commonly called the Grape Wine Office with the Vaults and Cellars thereto belonging being part of a Tenement of land with the Garret thereof on the east side of the Entry to the Parliament Close recorded 28 January 1826.

14) Disposition by Richard Woolley to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of the northmost half of the third Story from the ground of a Tenement of land with a Garret on the south side of the High Street, Edinburgh recorded 15 February 1826.

15) Disposition by James Bristow Fraser to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of the southmost half of the third Story from the ground of a Tenement on the south side of the High Street recorded 22 February 1826.

16) Disposition by Andrew Gordon, Elizabeth Home, Ann or Agnes Robertson and Elizabeth Galbreath to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of the first Story of a Tenement of land with Cellars commonly called Pitcairly’s Land, 2 high Booths now one Shop, 2 laigh Booths now one House or Cellar, a House and Cellar being the undermost House of Pitcairly’s Land, a fore Shop and laigh Cellar with the low Shop under the same, and light Passage or Cellar and Vaults or Cellars communicating therewith on the south side of the High Street recorded 29 February 1826.

17) Disposition by John Ogle to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of a Shop and Room or low Shop under the same, a high fore Shop, a Dwelling House and Cellar, a House, Shop and Cellar, and a Dwelling House being the third Story from the ground all parts of Tenements on the east side of the Parliament Close, and a Dwelling House in a Tenement with Cellars on the south side of the Parliament Close recorded 1 March 1826.

18) Disposition by the Trustees of Elizabeth Stewart to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of a laigh Easter Booth of a Tenement of land with a Cellar on the south side of the High Street at the Cross of Edinburgh recorded 21 March 1826.

19) Disposition by Helen Gibson to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of a high Shop being the corner Shop of a Tenement of land at the mouth of the Parliament Close recorded 4 April 1826.
20) Disposition by John Glover, James Glover, William and Andrew Taap, Alexander Thomson, William Allan and Neily or Helen Allan to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the second Story above the Shops of a Tenement of land with a Cellar on the south side of the High Street a little above the Cross recorded 6 May 1826.

21) Disposition by Thomas Allan to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the first Story above the ground, and the south east third part of the Garret of a Tenement of land with a Cellar at the foot of Barry's Close or the back of the Fish Market or Jolly's Close on the east side of the Parliament Close recorded 15 May 1826.

22) Disposition by William Henderson to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the eastmost half of the fourth Story and northmost Room in the Garret or Sixth Story of a Tenement on the south side of the High Street opposite the Cross recorded 15 May 1826.

23) Disposition by John Moir to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the first Story above the Printing House of a Tenement of land with the Cellars and Garret thereto belonging on the west side of the Fishmarket Close or Royal Bank Close recorded 15 May 1826.

24) Disposition by Isabella Tod to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the westmost half of the fourth Story of a Tenement of land with the southmost Room in the Garret or sixth Story thereof on the south side of the High Street opposite the Cross recorded 15 May 1826.

25) Disposition by Charles McPherson to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the uppermost Story being the fourth Story above the Printing House of a Tenement of land at the foot of the Royal Bank Close and on the west side of the Fishmarket Close, with the Garret belonging thereto recorded 15 May 1826.

26) Disposition by the Royal Bank of Scotland to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a large Shop with the back Shop and a laigh Shop and Vaults below the same, and a Cellar of a Tenement opposite the Cross, and on the south side of the High Street recorded 25 May 1826.

27) Disposition by James Smyth to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the fourth Story with a Cellar, little Garret or fire Room, and part of a long Garret in a Tenement of land on the south side of the Parliament Close recorded 30 May 1826.
28) Disposition by the Trustees of George Ramsay to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of a large Lodging or Dwelling House with the Areas thereof on the north side of the Cowgate of Edinburgh recorded 5 June 1826.

29) Disposition by the Trustees of George Ramsay to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of an Area or Piece of ground on the north side of the Cowgate of Edinburgh recorded 5 June 1826.


31) Disposition by James Mount to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of a Lodging or Dwelling House being the third Story of a new Tenement of land called Elphinstone’s Land on the south side of the High Street recorded 13 July 1826.

32) Disposition by John Hogg to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of a Lodging or Dwelling House being the fourth Story above the Shops of a Tenement of land with Garrets and Cellars thereto belonging on the south side of the Parliament Close recorded 13 July 1826.


34) Disposition by Mungo Murray and Thomas Murray to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of a Dwelling House being the third Story above the Printing House of a Tenement of land on the west side of the Old Fishmarket Close recorded 16 August 1826.

35) Disposition by Mungo Murray to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of a Lodging or Dwelling House being the second Story above a Printing House of a great Tenement of land with a Cellar and Garret on the west side of the Old Fishmarket Close recorded 16 August 1826.

36) Conveyance by Ann Begbie to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of the fifth and top Story with the Closet and Garret belonging thereto of a Tenement of land on the south side of the High Street opposite to the Cross of Edinburgh recorded 6 September 1826.
37) Conveyance by Robert Lockhart to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the southmost half of the second Story or third above the ground with the Garret and Cellars thereto belonging of a Tenement of land on the east side of the Parliament Close recorded 9 September 1826.

38) Conveyance by the Commissioners for Mary Ogilvy to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the south half of the third Story above the Shops of a Tenement of land on the east side of the Parliament Close recorded 11 September 1826.

39) Conveyance by William Grant to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a Shop and the Dwelling House immediately below the same being parts of a large Building with 2 Cellars in the Parliament Close recorded 3 February 1827.

40) Conveyance by Sir Henry Jardine and Francis Wilson to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the north half of the second Story up Stairs of a Tenement with the Garret and Cellars thereto belonging on the east side of the Parliament Close recorded 23 February 1827.

41) Conveyance by John Finnie jun, Margaret, John, Isabella and Janet Scott and the Trustees of Margaret Scott to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of an Area on the west side of the Old Fishmarket Close, occupied as a Corn Sample Market, and the old Tenement immediately to the south of the said Area recorded 30 March 1827.

42) Conveyance by Rachel Orrick to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a fore Shop being a part of a great Tenement of land called Blair's Land on the south side of the High Street a little to the east of the Entry of the Parliament Close recorded 8 August 1827.

43) Conveyance by Anne, Margaret and Jane Stewart to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a Lodging or Dwelling House being the second Story of the new great Tenement of land formerly called Elphinstones and Carbieestons Lands with Garrets on the south side of the High Street recorded 18 August 1827.

44) Conveyance by Patrick Neill to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a Cellar situated on the west side of a great Tenement of land at the foot of the Royal Bank Close and on the west side of the Fishmarket Close recorded 28 August 1827.

45) Conveyance by Hector, John and George Gavin and Lydia Gavin to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the southmost Booth or
Hi

Thanks for getting back to me. Could we go for 2.30 pm on Wednesday 3 December here in St Andrew’s House?

Regards,

What about 9am on 26th (has a meeting at 11am), pm on the 27th, from 2.30 on the 3rd and pm on the 4th?

Regards

Apologies but I meant to say 3 December not 3 November!

Regards,

Unfortunately something has cropped up and Jan is unable to do the meeting on 17 November. Are any of the slots below suitable for you?
Wednesday 26 November - am/pm
Thursday 27 November - pm
Wednesday 3 November - am/pm
Thursday 4 December - pm

Regards,

From: [redacted]
Sent: 06 October 2014 09:35
To: [redacted]
Cc: [redacted]
Subject: [PROTECT] RE: Parliament Hall

Great, thanks. We'll assume St Andrews House, if that changes, please can you let us know.

Regards

From: [redacted]
Sent: 06 October 2014 09:34
To: [redacted]
Subject: RE: Parliament Hall

Hi

Thanks for getting back to me. I have now put 17 November at 11.30 am in the calendar. I am assuming the meeting will be here in St Andrew's House so if you and your colleague come to the main entrance I will meet you there.

Regards,

[redacted]
244 4821

From: [redacted]
Sent: 03 October 2014 14:56
To: [redacted]
Cc: [redacted]
Subject: [PROTECT] RE: Parliament Hall

...Apologies for the delay in responding. My colleague [redacted], will also be attending. Given other matters, the first slot we can both make is 17 November, shall we go for that?

Regards

From: [redacted]
Sent: 29 September 2014 10:22
To: [redacted]
Subject: Parliament Hall

Good morning
I have been asked to arrange a meeting with you and Jan Marshall on the above. The dates Jan has available are:

- Thursday 9 October at 10.00 am
- Wednesday 22 October at 11.30 am
- Monday 17 November at 11.30 am
- Tuesday 18 November at 10.00 am
- Thursday 20 November at 10.00 am

I hope one of the above dates is suitable for you.

Regards,

PA/Jan Marshall
0131-244 4821

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-a'innichte a-mhain. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foilseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuir sibh seo le 'n fhios', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam aigeibh, leig fics chun reach a sgaoil am post-d gun dàil.

Dh'fhaoadadh gum bi teachdaireachd sam bith bho Rìoghaltas na h-Alba air a chlàradh neo air a sgrìdach airson dearbhadh gu bheil'an siostam ag obair gu h-éifeachdach neo airson a'chbhar laghail eile. Dh'fhaoadadh nach eil beàitchd anns a' phost-d seo co-ionann ri beàitchd Rìoghaltas na h-Alba.

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Note of meeting referred to in my previous email.

Jan

From: [unreadable]
Sent: 04 December 2014 09:31
To: Marshall J (Jan)
Cc: [unreadable]
Subject: Parliament House 2014

As I took notes at the meeting I offer this draft summary of the main points in case it is of use.

Present – J. Marshall, SG

SG – this was a courtesy meeting to hear what the concerns of CEC were as they had had difficulty finding somebody in central government to engage with.

CEC – an elected member had triggered an examination of the Parliament House non domino title and CEC officials concluded that the title trail was mistaken and CEC had an interest still. They had examined titles from the '550s, 19th century, 1905 Common good records, 1925 entry in registers etc. They were unhappy with the Scottish Ministers title and the subsequent transfer to the advocates and the SCS. It seemed that their case rested on a perceived moral right, rather than any legal titular right.

SG emphasised that it had no locus because:
- Questions about land registered titles are for the Keeper and the Keeper's indemnity;
- The Scottish Government had transferred the property to the Advocates (Laigh Hall), and the Scottish Courts Service** a judicial led body at arms-length from the SG and so we could not discuss what we did not own.
** (Statutory transfer powers).

4 December 2014
I saw Parliament hall yesterday which reminded me about parliament hall. Could I ask you to put together a short submission to ministers setting out the issue,

we met the council reps before christmas and what their options are,

we have consulted local govmt colleagues,

we plan to tell the council that we took the title without objection and in any event we don't hold the titles and so are not in a position to convey to them.

Thanks. Speak later.

Jan
PS Minister for Community Safety and Legal Affairs
PS Minister for Local Government and Community Empowerment
Copy Recipients

I attach a submission marked urgent which I would be grateful if you could draw to the attention of the Minister.

Submission
Minister - Parlia...

Civil Law and Legal System Division | Justice Directorate

St Andrews House | Area GW15 | Regent Road | Edinburgh | EH1 3DG
OWNERSHIP OF PARLIAMENT HOUSE

Purpose

1. To advise you of a claim made by the City of Edinburgh Council in relation to the ownership of Parliament House, High Street, Edinburgh, currently the home of the Court of Session.

Priority

2. Urgent.

Background

3. A dispute has arisen regarding the ownership of Parliament House, High Street, Edinburgh. A Land Certificate was issued to Scottish Ministers at the time of devolution in respect of the property. Prior to registration in favour of the Scottish Ministers, considerable effort was made by Scottish Government solicitors to investigate ownership prior to proceeding with a voluntary registration. As part of that process, the Keeper of the Registers of Scotland received confirmation that the City of Edinburgh Council had no interest in the site. On that understanding, the Keeper issued Ministers with 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.

4. Scottish Ministers subsequently made an onward transfer in January 2006 of part of the property, namely Laigh Hall which sits underneath Parliament Hall, to the Faculty of Advocates who now hold the title which is registered in the Land Register. When the Scottish Court Service became an independent body corporate on 1 April 2010 title to Parliament House was transferred to it under the Property Transfer Order made under powers in the Judiciary and Courts (Scotland) Act 2008. Scottish Ministers therefore no longer hold title to either Parliament House or the Laigh Hall.

5. We understand that as a consequence of inquiries made by an elected member, the City of Edinburgh Council intimated to the Scottish Government
that it considers that it is the rightful heritable proprietor of both Parliament House and the Laigh Hall. It contends that the property was part of the Common Good Fund which is made up of grants of land owned by the Council. Consequently it maintains that Scottish Ministers should never have taken title to it. Representatives of the Council have asked that the position be rectified and the property returned to the Council. Scottish Government officials have met with Council officials and suggested to them that their remedy lies with the Keeper.

Recommendation and next steps

6. That you note the position. Press lines are being developed in the event that we are approached by the newspaper. We will keep you updated as matters develop and provide advice on future handing.

Civil Law and Legal System Division
4 February 2015

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DG Learning and Justice
Director Justice
Jan Marshall
Solicitor

Comms Safer and Stronger
From: on behalf of Minister for Local Government and Community Empowerment

Sent: 05 February 2015 10:40

To: Minister for Community Safety and Legal Affairs; Minister for Local Government and Community Empowerment

Cc: Cabinet Secretary for Justice; Minister for Environment, Climate Change and Land Reform; Lord Advocate; Solicitor General; Solicitor to the Scottish Government and PS; DG Learning & Justice; Director of Justice; Marshall J (Jan); Communications Safer & Stronger

Subject: RE: Ownership of Parliament House

Mr Baigi has noted your submission of 4 February.

Kind regards

Assistant Private Secretary
Office of Marco Biagi MSP, Minister for Local Government & Community Empowerment
0300 244 0637 or 07772 935256
lqcemminster@scotland.gsi.gov.uk

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From: 04 February 2015 16:38

To: Minister for Community Safety and Legal Affairs; Minister for Local Government and Community Empowerment

Cc: Cabinet Secretary for Justice; Minister for Environment, Climate Change and Land Reform; Lord Advocate; Solicitor General; Solicitor to the Scottish Government and PS; DG Learning & Justice; Director of Justice; Marshall J (Jan); Communications Safer & Stronger

Subject: Ownership of Parliament House

PS Minister for Community Safety and Legal Affairs
PS Minister for Local Government and Community Empowerment
Copy Recipients

I attach a submission marked urgent which I would be grateful if you could draw to the attention of the Minister.

<< File: Submission Minister - Parliament House 4 Feb.doc >>
Dear Jan,

Please find attached copies of the titles for MID83631 and MID86039 as per today's meeting.

If you require any further information, please don't hesitate to contact [Name redacted].

Kind regards

[Name redacted]

Registers of Scotland Secretariat | 0131 528 3794 | www.ros.gov.uk

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1
Registers Direct - Land Register: View Title MID83631

Search Summary

Date: 05/02/2015  Time: 13:40:02
Search No.: 2015-00374119  User Reference:

Sasine Search Sheet: 4040, 155110, 203602, 191941 +

A. PROPERTY SECTION

Title Number: MID83631  Date of First Registration: 23/11/2005
Date Title Sheet updated to: 07/08/2008  Date Land Certificate updated to: 07/08/2008
Hectarage Code: 0  Interest: PROPRIETOR
Map Reference: NT2573NE

Description:
Subjects PARLIAMENT HOUSE, HIGH STREET, EDINBURGH tinted pink and blue on the Title Plan; together with (One) the servitudes contained in the Disposition in Entry 2 of the Burdens Section and (Two) the subsisting rights to real burdens specified in the Schedule of Particulars relative to Subsisting Rights to Real Burdens below.

Schedule of Particulars Relative to Subsisting Rights to Real Burdens

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<thead>
<tr>
<th>Entry No</th>
<th>Benefited Property</th>
<th>Real Burdens</th>
<th>Burdened Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Subjects in this Title</td>
<td>Disposition to Treasurer of Faculty of Advocates, registered 23 Jan. 2006 specified in Entry 2 of the Burdens Section.</td>
<td>Subjects Laigh Hall, High Street, Edinburgh edged and numbered 1 in green on the Title Plan, being the subjects registered under Title Number MID 86039</td>
</tr>
</tbody>
</table>

Notes:
1. As to the part tinted blue on the Title Plan, the two bridges connecting Parliament House with The Solicitors Buildings at ground floor level and -1 level of Parliament House, with the fifth and third floor levels respectively of The Solicitors Buildings, are not included in this Title.
2. The parts specified in the Schedule of Removals below have been removed from this Title.
3. The parts edged and numbered in yellow on the Title Plan have been leased - for particulars see Schedule below.
Schedule of Removals

Room known as Laigh Hall, High Street, Edinburgh ("the Subjects") but only to the extent of the inner surfaces of the walls, floor and ceiling thereof and excluding all structural pillars within the said Hall, all electricity mains or cables, gas supply pipes and ducts, water supply pipes, sewage disposal pipes, drainage pipes and all electrical and mechanical and other plant and equipment and service connections passing through the Subjects but exclusively serving parts of said Parliament House other than the Subjects (which electricity mains or cables and other are referred to in the Disposition in Entry 2 of the Burdens Section as "the Services").

Schedule of Leases

<table>
<thead>
<tr>
<th>Entry No</th>
<th>No on Plan</th>
<th>Plot No</th>
<th>Subjects</th>
<th>Tenant</th>
<th>Date of Recording or Registration</th>
<th>Term</th>
<th>Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td></td>
<td>Electricity substation within a room on the ground floor</td>
<td>SP Distribution Limited</td>
<td>Land Register 07/08/2008</td>
<td>60 years from and after 13 Jun. 2008</td>
<td>Rent £1.00 per annum if asked</td>
</tr>
</tbody>
</table>

This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.

B. PROPRIETORSHIP SECTION

Title Number: MID83631

<table>
<thead>
<tr>
<th>Entry Number</th>
<th>Date of Registration</th>
<th>Proprietor</th>
<th>Consideration</th>
<th>Date of Entry</th>
</tr>
</thead>
</table>

This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.

C. SECURITIES SECTION

Title Number: MID83631

There are no entries.

This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.

D. BURDENS SECTION

Title Number: MID83631

Number of Burdens: 4
<table>
<thead>
<tr>
<th>Entry Number</th>
<th>Burden Preamble</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Disposition by Secretary of State for the Environment to The Society of Solicitors in the Supreme Courts of Scotland and their assignees, recorded G.R.S. (Midlothian) 2 Sep. 1997, of the two bridges, within the subjects tinted blue on the title plan, connecting Parliament House with The Solicitors Buildings at ground floor level and -1 level of Parliament House, with the fifth and third floor levels respectively of The Solicitors Buildings, (hereinafter referred to as &quot;the Bridge&quot;), contains the following rights which burden the subjects in this Title</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Entry Number</th>
<th>Burden Preamble</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Disposition by Scottish Ministers to Sidney Neil Brailsford as Treasurer for Honourable Faculty of Advocates as Trustee and in Trust for said Faculty, (hereinafter referred to as &quot;our dispoenees&quot;), registered 23 Jan. 2006, of room known as Laigh Hall, Parliament House, High Street, Edinburgh being the subjects registered under Title Number MID 86039 (hereinafter referred to as &quot;the Subjects&quot;), contains the following servitudes in favour of the Subjects which affect the subjects in this Title</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Entry Number</th>
<th>Burden Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Disposition by Secretary of State for the Environment to The Society of Solicitors in the Supreme Courts of Scotland and their assignees, recorded G.R.S. (Midlothian) 2 Sep. 1997, of the two bridges, within the subjects tinted blue on the title plan, connecting Parliament House with The Solicitors Buildings at ground floor level and -1 level of Parliament House, with the fifth and third floor levels respectively of The Solicitors Buildings, (hereinafter referred to as &quot;the Bridge&quot;), contains the following rights which burden the subjects in this Title: (One) a heritable and irredeemable servitude right of support over the Parliament House Building and Solicitors Buildings for the Bridge, (Two) a heritable and irredeemable servitude right of overhang over the ground situated directly beneath the Bridge, together with all necessary rights of access and egress over the said ground for maintenance, repair and rebuilding of the Bridge, subject to payment for any damage, loss or injury occasioned by the exercise of such right of access, and (Three) a heritable and irredeemable servitude right of access for the said dispoenees and their invitees and tenants including without prejudice to the foregoing generality all workmen, clients and other persons authorised by them over the Parliament House Buildings using all existing stairs, doors, corridors, passages, hallways or any which may be formed in the future including routes as may be open to the public, and other routes as agreed between us and our said dispoenees.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Entry Number</th>
<th>Burden Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Disposition by Scottish Ministers to Sidney Neil Brailsford as Treasurer for Honourable Faculty of Advocates as Trustee and in Trust for said Faculty, (hereinafter referred to as &quot;our dispoenees&quot;), registered 23 Jan. 2006, of room known as Laigh Hall, Parliament House, High Street, Edinburgh being the subjects registered under Title Number MID 86039 (hereinafter referred to as &quot;the Subjects&quot;), contains the following rights which burden the subjects in this Title: (One) a heritable and irredeemable servitude right of support over the Parliament House Building and Solicitors Buildings for the Bridge, (Two) a heritable and irredeemable servitude right of overhang over the ground situated directly beneath the Bridge, together with all necessary rights of access and egress over the said ground for maintenance, repair and rebuilding of the Bridge, subject to payment for any damage, loss or injury occasioned by the exercise of such right of access, and (Three) a heritable and irredeemable servitude right of access for the said dispoenees and their invitees and tenants including without prejudice to the foregoing generality all workmen, clients and other persons authorised by them over the Parliament House Buildings using all existing stairs, doors, corridors, passages, hallways or any which may be formed in the future including routes as may be open to the public, and other routes as agreed between us and our said dispoenees.</td>
</tr>
</tbody>
</table>
to as "the Subjects"), contains the following servitudes in favour of the Subjects which affect the subjects in this Title: (One) a servitude right of access to the Subjects through Parliament House, High Street, Edinburgh, being the subjects in this Title (hereinafter referred to as "the Building"), the route of which shall at any time be within the discretion of us or our successors as proprietors of the Building, using reasonable endeavours to make the access route as convenient as possible; and (Two) free and uninterrupted passage and running of water, soil, drainage, gas, electricity, telephone and all other services in and through the drains, sewers, water courses, pipes, wires, cables and other conducting media in so far as presently passing through the Building and serving the Subjects (whether or not in common with other parts of the Building) as the same may be altered or extended or renewed from time to time, together with all necessary rights to connect into and/or use the Services (as described in the Schedule of Removals in the Property Section) on payment of an equitable share of the expense of using the same where it is not possible or not economic to install separate metering to record the extent to which such Services are used exclusively by our disponees but our disponees shall be obliged on being given not less than one years notice in writing to discontinue their connection to and use of electricity and heating services used in common with the Building; And also the following real burdens and servitudes in favour of the proprietors of "the Building": (One) a servitude right of access through the Subjects for all purposes at all times including, without prejudice to the foregoing, the inspection of the Subjects and the Building, the carrying out of repairs and alterations to the Building, the supervision of security systems in the Building and the emergency evacuation of the Building; for the purpose of this servitude the Subjects shall be left unlocked at all times and our disponees shall not obstruct any entrances or exits to or from the Subjects; (Two) for the purpose of exercising the said servitude right of access we hereby reserve the right to use existing means of access or to create new means of access to the Subjects and if required by us stop up existing means of access; (Three) a servitude right for the free and uninterrupted passage and running of ventilation, heating, water, soil, gas, electricity, heating, telephone and all other services through the Subjects together with a right at all reasonable times to enter the Subjects for the purpose of inspecting, cleaning, repairing, altering, extending or renewing any service equipment declaring that the foregoing servitude rights shall at all times be exercised by us and our foresaid in such a way as to cause the minimum of disturbance to and disruption of the occupation of the Subjects by our disponees and, without prejudice to the foregoing generality, we and our foresaid shall give our disponees reasonable prior notice of our intention to obtain access to the Subjects for any of the foregoing purposes except where access is required to other parts of the Building and the most convenient or the only means of access is through the Subjects and also in cases of emergency when no such prior notice shall be required; (Four) the Subjects shall be used by our disponees primarily as a library and study area for their members and as ancillary to such primary use for exhibitions, seminars, conferences, run by our disponees for the benefit of their members and guests and for no other purpose without our prior written consent which shall not be unreasonably withheld for any use which is compatible with the primary activities of our disponees and the use of the Subjects as a library and study area; (Five) our disponees shall uphold, maintain, repair and renew the Subjects and shall not make alterations or additions thereto without our prior written consent which consent shall not be unreasonably withheld or delayed where such alterations or additions do not affect the structure of the Building; (Six) it shall not be in the power of our disponees or their assignees or successors in ownership of or having power of sale of the Subjects or any part thereof to sell, alienate or dispose of the Subjects or any part thereof to any person until they have first offered the same in writing to us or our successors as proprietors of the Building for the time being at the price of one pound and we or our successors shall be bound to...
intimate in writing, acceptance or refusal of the offer within 21 days after
the offer shall have been received; (Seven) in the event of substantial
damage to or destruction of the Building and we or our successors (acting
reasonably) determining that the Building (including the Subjects) is not to
be reinstated so as to provide broadly comparable accommodation our
disponees shall forthwith on being called upon in writing to do convey the
subjects to us at the price of one pound.

<table>
<thead>
<tr>
<th>Entry Number</th>
<th>Burden Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>The rights of the tenants under the Leases specified in the Schedule of Leases in the Property Section are burdens on the subjects in this Title.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Entry Number</th>
<th>Burden Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Lease by the Scottish Ministers (who and whose successors are hereinafter referred to as &quot;the Landlords&quot;) to SP Distribution Limited and their successors and assignees (&quot;the Tenants&quot;), registered 7 Aug. 2008, of the subjects edged and numbered 1 in yellow on the Title Plan, being an indoor electricity substation within a ground floor room, contains inter alia the following rights which affect the subjects in this Title: together with (One) an unrestricted right of access to and egress from the substation site 24 hours a day (subject to reporting to the security office on site) for vehicular and pedestrian traffic over and across the access route hatched mauve on said Plan (Two) an unrestricted right to lay, use, inspect, maintain, repair, remove, renew, replace and or enlarge in, through and over those areas of ground shown by a blue broken line on said Plan (&quot;the cable route&quot;) all cables, pipes, drains and other underground works (hereinafter referred to as &quot;the electric lines&quot;) required by the Tenants in the exercise of their functions as statutory electricity undertakers with all necessary rights of access thereto; and (Three) an unrestricted right of access for the purpose of erecting, inspecting, maintaining, repairing the substation and the ancillary apparatus and equipment enclosed within the substation site and all enclosures (all hereinafter referred to as &quot;the Leased Subjects&quot;) subject to, in each of cases (One), (Two) and (Three), the Tenants being liable to (a) make good to the reasonable satisfaction of the Landlords or pay reasonable compensation to the Landlords for any damage caused in the exercising of such rights and (b) exercise such rights so as to cause the least inconvenience practicable to the Landlords and occupiers of the said building.</td>
</tr>
</tbody>
</table>

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© Crown copyright 2014
Registers Direct - Land Register: View Title MID86039

Search Summary
Date: 05/02/2015
Search No.: 2015-00375632

Sasine Search Sheet:

A. PROPERTY SECTION

Title Number: MID86039
Date Title Sheet updated to: 23/01/2006
Hectarage Code: 0
Map Reference: NT2573NE

Date of First Registration: 23/11/2005
Date Land Certificate updated to: 23/01/2006
Interest: PROPRIETOR

Description:
Subjects LAIGH HALL, PARLIAMENT HOUSE, HIGH STREET, EDINBURGH comprising the room on the lower floor shown edged red on the Title Plan (said subjects extending only to the inner surfaces of the walls, floor and ceiling thereof); together with the servitude rights contained in the Disposition in Entry 1 of the Burdens Section.

Notes:
1. The structural pillars within the subjects in this Title, all electricity mains or cables, gas supply pipes and ducts, water supply pipes, sewage disposal pipes, drainage pipes and all electrical and mechanical and other plant and equipment and service connections passing through the subjects in this Title but exclusively serving parts of Parliament House, High Street, Edinburgh, other than the subjects in this Title (which electricity mains or cables and others are referred to as "the Services" in the Disposition in Entry 1 of the Burdens Section), are not included in this Title.

This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.

B. PROPRIETORSHIP SECTION

Title Number: MID86039

Entry Number | Date of Registration | Proprietor | Consideration | Date of Entry
---|---|---|---|---
1 | 23/01/2006 | SIDNEY NEIL BRAILSFORD Queen's Counsel, Treasurer of HONOURABLE THE FACULTY OF ADVOCATES Edinburgh, as | No Consideration | 20/12/2005

https://www.eserv.ces ros.gov.uk/ros-rd2-presentation-ui/roserd2presentationui/registersdirect/andregister/titlecord/details/pageflows/gsiPrintAllSection...
This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.

C. SECURITIES SECTION

Title Number: MID86039

There are no entries.

This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.

D. BURDENS SECTION

Entry Number Burden Preamble
1 Disposition by Scottish Ministers to Sidney Neil Brailsford as Treasurer for Honourable Faculty of Advocates as Trustee and in Trust for said Faculty, (hereinafter referred to as "our disponees"), registered 23 Jan. 2006, of room known as Laigh Hall, Parliament House, High Street, Edinburgh being the subjects in this Title (hereinafter referred to as "the Subjects"), contains the following servitudes in favour of the subjects in this Title

Entry Number Burden Detail
1 Disposition by Scottish Ministers to Sidney Neil Brailsford as Treasurer for Honourable Faculty of Advocates as Trustee and in Trust for said Faculty, (hereinafter referred to as "our disponees"), registered 23 Jan. 2006, of room known as Laigh Hall, Parliament House, High Street, Edinburgh being the subjects registered under Title Number MID 83631 (hereinafter referred to as "the Building"), the route of which shall at any time be entirely within the discretion of us or our successors as proprietors of the Building, using reasonable endeavours to make the access route as convenient as possible; and (Two) free and uninterrupted passage and running of water, soil, drainage, gas, electricity, telephone and all other services in and through the drains, sewers, water courses, pipes, wires, cables and other conducting media in so far as presently passing through the Building and serving the Subjects (whether or not in common with other parts of the Building) as the same may be altered or extended or renewed from time to time, together with all necessary rights to connect into and/or use the Services (as described in the Property Section) on payment of an equitable share of the expense of using the same where it is not possible or not economic to install separate metering to record the extent to which such Services are used exclusively by our disponees but our disponees shall be obliged on being given not less than one years notice in writing to discontinue their connection to and use of electricity and heating services used in common with the Building; And also under the following real burdens and servitudes in favour of the proprietors of "the Building": (One) a servitude right of access through the Subjects for all purposes at all times including, without prejudice to the foregoing, the inspection of the Subjects and the Building, the carrying out of repairs and alterations to the Building, the supervision of security systems in the Building and the emergency evacuation of the Building; for the purpose of this servitude the Subjects
shall be left unlocked at all times and our disponees shall not obstruct any entrances or exits to or from the Subjects; (Two) for the purpose of exercising the said servitude right of access we hereby reserve the right to use existing means of access or to create new means of access to the Subjects and if required by us stop up existing means of access; (Three) a servitude right for the free and uninterrupted passage and running of ventilation, heating, water, soil, gas, electricity, heating, telephone and all other services through the Subjects together with a right at all reasonable times to enter the Subjects for the purpose of inspecting, cleaning, repairing, altering, extending or renewing any service equipment declaring that the foregoing servitude rights shall at all times be exercised by us and our foresaid in such a way as to cause the minimum of disturbance to and disruption of the occupation of the Subjects by our disponees and, without prejudice to the foregoing generality, we and our foresaid shall give our disponees reasonable prior notice of our intention to obtain access to the Subjects for any of the foregoing purposes except where access is required to other parts of the Building and the most convenient or the only means of access is through the Subjects and also in cases of emergency when no such prior notice shall be required; (Four) the Subjects shall be used by our disponees primarily as a library and study area for their members and as ancillary to such primary use for exhibitions, seminars, conferences, run by our disponees for the benefit of their members and guests and for no other purpose without our prior written consent which shall not be unreasonably withheld for any use which is compatible with the primary activities of our disponees and the use of the Subjects as a library and study area; (Five) our disponees shall uphold, maintain, repair and renew the Subjects and shall not make alterations or additions thereto without our prior written consent which consent shall not be unreasonable withheld or delayed where such alterations or additions do not affect the structure of the Building; (Six) it shall not be in the power of our disponees or their assignees or successors in ownership of or having power of sale of the Subjects or any part thereof to sell, alienate or dispose of the Subjects or any part thereof to any person until they have first offered the same in writing to us or our successors as proprietors of the Building for the time being at the price of one pound and we or our successors shall be bound to intimate in writing, acceptance or refusal of the offer within 21 days after the offer shall have been received; (Seven) in the event of substantial damage to or destruction of the Building and we or our successors (acting reasonably) determining that the Building (including the Subjects) is not to be reinstated so as to provide broadly comparable accommodation our disponees shall forthwith on being called upon in writing to do convey the subjects to us at the price of one pound.

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Hi

Thank you for the below. Mr Wheelhouse has noted.

Thanks,

[Signature]

Assistant Private Secretary to Minister for Community Safety and Legal Affairs
0131-244-4578 or 0796-4382-307

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments. Thank you.

From: [Redacted] on behalf of Minister for Community Safety and Legal Affairs
Sent: 04 February 2015 16:38
To: [Redacted] Minister for Community Safety and Legal Affairs; Minister for Local Government and Community Empowerment
Cc: Cabinet Secretary for Justice; Minister for Environment, Climate Change and Land Reform; Lord Advocate; Solicitor General; Solicitor to the Scottish Government and PS; DG Learning & Justice; Director of Justice; Marshall J (Jan); [Redacted] Communications Safer & Stronger
Subject: 4/2 Ownership of Parliament House

PS Minister for Community Safety and Legal Affairs
PS Minister for Local Government and Community Empowerment
Copy Recipients
I attach a submission marked urgent which I would be grateful if you could draw to the attention of the Minister.

<< File: Submission Minister - Parliament House 4 Feb.doc >>
Thanks Stuart will issue now.

Ok, content with line thanks.

Sorry, two different trails on this.

Query from the Evening News copied below, this is about the confusion over who owns Parliament Hall.

They have also approached Edinburgh Council who has issued a similar line to ours.

Running a story on Monday on how Edinburgh council seems to have lost Parliament House (which includes Parliament Hall/Laigh Hall) to the government and Faculty of Advocates.

This is the oldest purpose built parliamentary building in UK and so very important historically, but also was a Common Good Fund building ie owned by people of Edinburgh and only managed by the council.

For years it's been used by law courts because of where it is, and it seems that in 2006, when Scottish Court Services wanted to do the big court revamp, the Scot Govt asked ECC who actually owned Parliament House.

For some reason - yet to be discovered - ECC said "not us". Therefore it seems that Scot Govt took ownership and then gifted it to the Faculty of Advocates who are now the registered owners on the Land Register.
All a bit complicated - all dug up by land reform campaigner... but I need to get some kind of response from Scot Govt. Council says it has raised it with the government...."

Any help, be most grateful.

Thanks,
From: [Redacted]
Sent: 16 February 2015 11:26
To: Minister for Community Safety and Legal Affairs; Minister for Local Government and Community Empowerment; Cabinet Secretary for Justice; Minister for Environment, Climate Change and Land Reform; Lord Advocate; Solicitor General; DG Learning & Justice; Director of Justice; Marshall J (Jan); Solicitor to the Scottish Government and PS; Cackette PH (Paul);
Cc: Cabinet Secretary for Justice; Minister for Environment, Climate Change and Land Reform; Lord Advocate; Solicitor General; DG Learning & Justice; Director of Justice; Marshall J (Jan); Solicitor to the Scottish Government and PS; Cackette PH (Paul);
Subject: Communications Safer & Stronger; Ownership of Parliament House

Attached is a submission from [Redacted] on the above.

Regards,

4821

Submission
Minister - Parlia...
Minister for Community Safety and Legal Affairs
Minister for Local Government and Community Empowerment

OWNERSHIP OF PARLIAMENT HOUSE

Purpose

1. To update you on the claim made by the City of Edinburgh Council in relation to the ownership of Parliament House, High Street, Edinburgh, currently the home of the Court of Session, and to seek your agreement on how to respond.

Priority

2. Routine

Background

3. My submission of 4 February informed you of the dispute that has arisen regarding the ownership of Parliament House, High Street, Edinburgh. The position as regards title to the entire property is unclear, however, it would appear that Scottish Ministers (formerly the Secretary of State for the Environment, Transport and the Regions) did own part of it and so steps were taken to register a title in order to remove any uncertainty. Consequently, a voluntary registration was granted in favour of Scottish Ministers on 23/11/2005 with a date of entry of 10/11/2005. As part of the process of registration the Keeper of the Registers of Scotland received a letter from the City of Edinburgh Council confirming that the Council had no right, title or interest in the property. On that understanding, the Keeper issued Ministers with 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.

4. Scottish Ministers subsequently made an onward transfer in January 2006 of part of the property, namely Laigh Hall which sits underneath Parliament Hall, to the Faculty of Advocates who now hold a registered title. When the Scottish Court Service became an independent body corporate on 1 April 2010 title to Parliament House was transferred to it under the Property Transfer Order made under powers in the Judiciary and Courts (Scotland) Act 2008. Scottish Ministers therefore no longer hold a title to either Parliament House or the Laigh Hall.
5. The City of Edinburgh Council has intimated to the Scottish Government that it considers that it is the rightful heritable proprietor of both Parliament House and the Laigh Hall. It contends that the property was part of the Common Good Fund which is made up of grants of land owned by the Council. Consequently it maintains that Scottish Ministers should never have taken title to it. Representatives of the Council have asked that the position be rectified and the property returned to the Council. Scottish Government officials have met with Council officials and suggested to them that their remedy lies with the Keeper.

8. The Council may feel compelled to take action because, in their view, the property may have been part of the Common Good. Ministers will be aware of disputes over Common Good land in the past. For example, when the Long Leases (Scotland) Act 2012, which converts ultra-long leases to ownership, was going through Parliament, a (land reform campaigner) argued that the Waverley Market in Edinburgh was part of the common good. Edinburgh City Council said it was not part of the common good but still argued that the Waverley Market should not convert to full ownership under the Bill, so that the Council would remain the landlord in the lease over the property. In the end, the Bill was amended so that commercial leases with less than 175 years to run were not covered, which had the effect of excluding the Waverley Market from the Bill. In another area, the Council promoted a private Bill so that Portobello High School could be built on Portobello Park.

Recommendation

9. That we confirm to Council officials that it is the Scottish Government's position that title to Parliament Hall was taken by Scottish Ministers in good
faith and with the full knowledge and consent of the Council. The Scottish Court Service and Faculty of Advocates therefore have good title to the property and Ministers propose no further action.

Civil Law and Legal System Division
16 February 2015

Copy List:

<table>
<thead>
<tr>
<th>For Action</th>
<th>For Comments</th>
<th>For Information Portfolio Interest</th>
<th>Constit Interest</th>
<th>General Awareness</th>
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<tbody>
<tr>
<td>Cabinet Secretary for Justice</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Minister for Environment, Climate Change and Land Reform</td>
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<tr>
<td>Lord Advocate</td>
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<tr>
<td>Solicitor General</td>
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<td>DG Learning and Justice</td>
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<tr>
<td>Director Justice</td>
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<tr>
<td>Jan Marshall</td>
<td></td>
<td></td>
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<tr>
<td>Solicitor</td>
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<tr>
<td>Paul Cackette</td>
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<tr>
<td>Comms Safer and Stronger</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
Hi Jan,

To confirm, no follow up on this in other media outlets.

Thanks

Jan

Colleagues

Update as requested.

Dispute over title to Parliament House and Laigh Hall

The evening News carried a story in Monday's edition under the heading:

"A MAJOR legal blunder by Edinburgh council has seen the oldest parliamentary building in Britain, Parliament House, lost to the city."

The article quotes [land reform campaigner], who claims that the property is part of the Common Good Fund and so belongs to the people of Edinburgh. The article narrates that government lawyers made inquiries with the local authority who declared that it did not know who owned the property and that subsequently Scottish Ministers registered a title in 2006 and subsequently transferred the Laigh Hall to the Faculty of Advocates.

[Critical of the council's] incompetence and he is quoted as saying that the Council should pursue Scottish Ministers and the Faculty to get the property returned. The council line is quoted — "we are aware of the issue and have raised it with the Scottish Government and Scottish Court Service". The SG line is not quoted. Only other quote is from Councillor [who states that the council's action is "unacceptable". He has a blog on his website about it which has attracted some interest (largely posts critical of the council).

So far as I am aware there has been no further press interest but I am copying Comms to confirm.
From: Marshall J (Jan)  
Sent: 17 February 2015 14:40  
To:  
Subject: RE: Parliament House refurbishment

Thanks.

From:  
Sent: 17 February 2015 13:31  
To: Marshall J (Jan)  
Subject: Parliament House refurbishment

Jan

From the briefing that was given to the Cab Sec for the opening of Parliament House it was stated that the redevelopment cost £58m which was circa £5m under budget.

From:  
Sent: 17 February 2015 13:00  
To:  
Cc:  
Subject: PH refurb £60m?

Are you on bberry just now? Jan has a meeting with this afternoon – nothing in her calendar so not sure what time.

Was the PH refurb about £60m?

It went over in the SCS budgets I think but from my recollection of briefing on their budget it is not easily identifiable within their budget lines. So SCS spent the money not SG?
Shop immediately above the Dwelling House in the corner of a great Tenement of land on the east side of the Parliament Close recorded 30 August 1827.

46) Conveyance by the Trustees for the Insurance Company of Scotland to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a large Shop with the back Shop being parts of a Tenement at the head of the Old Fishmarket Close south side of the High Street recorded 19 November 1827.


48) Conveyance by Charles Watson to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the ground Story and the Dwelling House immediately above the same of a large Tenement of land at the west end of the Meal Market recorded 15 May 1828.

49) Conveyance by Isabella and Barbara Heron to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the first Story or Dwelling House above the ground Story of a new land commonly called Campbell's Land at the east end of the Meal Market of Edinburgh, with the Cellar and Garret belonging thereto, and a Dwelling House and Garret, being the first Story of said land called Campbell's Land within the Turnpike leading through a tronse from the Vennel called the Kirkheugh with the Cellar at the foot of the said Turnpike and the small vacuity on the foot of the Turnpike recorded 15 May 1828.


51) Conveyance by Robert Jamieson to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a laigh Dwelling House part of a Tenement of land in Libberton's Wynd, a little House on the south side of the Tronse or Entry to the said Tenement, and a Cellar entering off the thoroughfare between Libberton's Wynd and Forrester's Wynd, being the eastmost of the Cellars in said Tenement with a Servitude on the Area on the north and north east, and a Servitude on a Piece of ground on the east side of said Tenement recorded 28 May 1828.

52) Conveyance by John Johnston and Margaret Martin to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of 3 laigh Dwelling Houses in the ground Story of a great Tenement of land called Kirkheugh on the east side of and without the Meal Market recorded 31 May 1828.
53) Conveyance by Janet Ranken to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of the Story above the ground Story of a Tenement of land with a Cellar on the east side of Libberton’s Wynd (and the remainder of the said Tenement of land excepting the upper Story thereof, in warrantie) recorded 14 June 1828.

54) Conveyance by Duncan Stevenson and Hugh Stevenson to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of a Dwelling House and Cellar being part of a Tenement on the west side of the Kirkheugh (near the Parliament Close), the second and third Stories of a burnt Jamb on the north side of the Meal Market and a Room in a ruinous Tenement on the east side of the Meal Market, which whole subjects were converted into one Dwelling House; the uppermost Lodging being the second Floor above the Common Entry to the turnpike and parts of the Garrets of a new Tenement at the back of the Parliament Close and east side of the Meal Market; and the Garret Room or Apartment attached to the second Story of the land commonly called Campbell’s land at the east end of the Meal Market, all which subjects are occupied as a Printing House recorded 6 July 1828.

55) Conveyance by Janet Campbell to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of the upper or top Story of a Tenement of land on the east side of Libberton’s Wynd recorded 9 July 1829.

56) Conveyance by Janet Torbet to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of a little Dwelling House on the north side of the Trance or Entry of a Tenement of land with the Cellar thereto belonging in Libberton’s Wynd recorded 6 September 1828.

57) Conveyance by Francis Cameron to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of a laight Dwelling House consisting of one Fire Room in the ground Floor of a Tenement of land on the west side of the Passage or Vennel called the Kirkheugh which leads to the Parliament Close recorded 6 November 1828.

58) Conveyance by the present Clerk and Treasurer to the Commissioners appointed by the statute for erecting and maintaining a new Gaol and other Buildings for the County and City of Edinburgh to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice in Scotland” of Houses, Tenements, Buildings, and Areas in and about the Wynds and Streets called Libberton’s Wynd, Forrester’s Wynd, and Cowgate recorded 12 November 1828.


60) Conveyance by Margaret Hume to the Trustees under an Act of Parliament “For the Erection of certain Courts and Offices of Justice
in Scotland" of 2 Dwelling Houses with Cellars below the same on the
west side of the Vennel commonly called the Kirkheugh and the laigh
Story of a Jamn or Toofall on the west side of the said Houses
recorded 20 February 1830.

61) Conveyance by John Finlayson to the Trustees under an Act of
Parliament "For the Erection of certain Courts and Offices of Justice
in Scotland" of a House with the Pertinents immediately below the
first Story sometime called the Printing House of a great Tenement of
land called Anderson's Land at the back of the Fishmarket Close,
thereafter called Jolly's Close now the Bank Close recorded 11 June
1830.

62) Conveyance by Roger Aytoun and James Brown to the Trustees under
an Act of Parliament "For the Erection of certain Courts and Offices
of Justice in Scotland" of the fourth Story or Lodging of a Tenement
with a Garret on the east side of the Meal Market recorded 8 November
1830.

63) Conveyance by inter alios the Trustee for the Creditors of Robert
Hamilton to the Trustees under an Act of Parliament "For the Erection
of certain Courts and Offices of Justice in Scotland" of subjects in
Back Stairs leading from the Parliament Close to the Cowgate, viz.
Dwelling House in the New Stairs, being part of a Tenement on the
west side of the Meal Market, and Cellar with the sloping roof
adjoining to the west side of said Back Stairs, and small Cellar
under the same recorded 9 February 1831.

64) Conveyance by Andrew Fisher and Susan Fisher to the Trustees under
an Act of Parliament "For the Erection of certain Courts and Offices
of Justice in Scotland" of a Dwelling House which is the south part
of the first Story up Stairs and above the Cellars of the back land
of a great Tenement commonly called Henderson's Land on the north
side of the Cowgate, between Forrester's Wynd and the Old Leather
Market recorded 23 May 1831.

65) Conveyance by the Magistrates of Edinburgh to the Trustees under
an Act of Parliament "For the Erection of certain Courts and Offices
of Justice in Scotland" of an Area with the Buildings thereon and
Arches and Cellars on the south and west sides of the same on the
north side of the Cowgate called the Mealmarket recorded 5 July 1831.

66) Conveyance by David More and Helen Gilchrist and David, John and
George More to the Trustees under an Act of Parliament "For the
Erection of certain Courts and Offices of Justice in Scotland" of a
Cellar in the north west corner of the Meal Market of Edinburgh
recorded 10 February 1832.

67) Conveyance by George Munro to the Trustees under an Act of
Parliament "For the Erection of certain Courts and Offices of Justice
in Scotland" of a Cellar, being the south east quarter of a laigh
Dwelling House which is the northmost laigh House entering from the
Meal Market of a Tenement on the west end of the said Meal Market in
the Cowgate of Edinburgh recorded 15 February 1832.
66) Conveyance by John Walker and Thomas Greig to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the top story of a large Tenement of land at the west end of the Meal Market, and the Garret which belonged to the fourth story of a Tenement of land on the west side of the Meal Market recorded 7 April 1832.

69) Conveyance by Thomas Greig to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the fourth story or flat of a Great land at the west end of the Meal Market recorded 7 April 1832.

70) Conveyance by John Walker to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the fourth story above the Arches of a Tenement on the west side of the Meal Market recorded 7 April 1832.


72) Conveyance by the Trustees of the Incorporated Society of Solicitors in the Court of Session &c to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a fore and back Shop formerly the fore part of the new or low Exchange on the south side of the Parliament Close recorded 14 June 1832.

73) Conveyance by James Young, Janet Young and Margaret Young to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a Cellar in the Meal Market of Edinburgh recorded 14 June 1832.

74) Conveyance by the Trustees of Peter Milne and Isobel Godfrey to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a Cellar in the north west corner of the Meal Market recorded 3 December 1832.


77) Conveyance by the Trustee of John Waugh Brougham and Anderson and Samuel Anderson to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a Vaulted Cellar in the Old Custom House Stairs entering from the Bank
Close, and 3 Cellars on the east side of the Parliament Close recorded 24 October 1834.

78) Conveyance by Jean Scott to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the fourth Story from the ground of a Tenement with a Cellar on the east side of Forrester's Wynd recorded 24 October 1834.

79) Conveyance by Alexander Campbell to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a藜gh Shop and Cellars under the same at the head and on the west side of the Fishmarket Close and opposite to the Cross of Edinburgh recorded 17 November 1834.

80) Conveyance by James Burns to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a Dwelling House in the back land of a great Tenement of land with a Garret between Forrester's Wynd and the Old Leather Market, on the north side of the Street of Cowgate recorded 18 September 1835.

81) Conveyance by Sir Henry Jardine, King's Remembrancer in the Court of Exchequer in Scotland and Donatory for His Majesty to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a Tenement of land on the east side of Libberton's Wynd, on the south side of the High Street recorded 9 December 1835.

82) Conveyance by Peter Ross to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a Dwelling House entering off the Trance upon the east side thereof leading from Forrester's Wynd to the Parliament Close in a Tenement of land betwixt the said Wynd and the Leather Market recorded 29 March 1836.

83) Conveyance by Ann Doig to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a Dwelling House, being part of the third Story up Stairs of a great Tenement with a Garret commonly called Henderson's Land between Forrester's Wynd and the Old Leather Market on the north side of the Cowgate recorded 30 September 1836.

84) Conveyance by Robert Bald to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of 2 Dwelling Houses, being the north parts of the second and third Stories up Stairs and above the Cellars of the back land of a great Tenement with Cellars called Henderson's Land on the north side of the Cowgate between Forrester's Wynd and the Old Leather Market recorded 5 December 1836.

85) Conveyance by Margaret Thomson to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of the top Story and Garrets of a Tenement on the west side of the Entry leading to the back Stairs on the north side of the Cowgate recorded 5 December 1836.

87) Conveyance by Jane Lawson and John Sinclair to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a low Cellar opposite to the foot of what was the Back-Stairs which led from the Parliament Square to the Cowgate in a great stone Tenement between the Old Leather Market and Forrester's Wynd on the north side of the Cowgate recorded 31 July 1837.

88) Conveyance by Janet Wright and James Donaldson to the Trustees under an Act of Parliament "For the Erection of certain Courts and Offices of Justice in Scotland" of a laigh House with 3 Cellars, back Court and other conveniences thereto belonging, and 2 small Houses, being parts of a Tenement on the east side of Forrester's Wynd recorded 26 June 1838.

89) Feu Disposition by the Parliamentary Trustees for the Erection of certain Courts and Offices of Justice in Scotland to the Trustees for Sir William Forbes, James Hunter & Co, Bankers, Edinburgh of parts of Areas of Houses and other Buildings, and a large Tenement now fitted up as a Bank or Banking House with the Areas on all sides of said Bank in the Parliament Square, Edinburgh recorded 22 June 1832.

The last of these entries (No 89) is a sale of part of the subjects.

One of these entries (No 58) caught our attention as being a large title, so we ordered out the Record Volumes to examine this writ. There was a long narrative in this deed, stating that the Commissioners for a new Gaol had acquired Houses and areas in and about Libbertons Wynd, Forrester's Wynd and Cowgate to form a new prison, which was to be up to 6500 square yards according to the Act of Parliament. They had then found that the subjects were not big enough and were now building the new gaol on Caltonhill and selling the subjects acquired to the Trustees under the Act for building the Courts etc.

In our letter of 18 August, we noted that we had found reference to documents from the Exchequer Records in the National Archives relating to the acquisition of properties for new buildings in Parliament Square. We ordered out some of these records and found them to be very interesting and relevant. These records can be viewed at West Register House in Charlotte Square under reference numbers E885/28 and E885/29 and possibly other numbers following on from this. The numbers in brackets that follow are the Archive's numbers, under which these documents can be ordered for viewing. It should be possible to obtain copies of any of these documents.

These papers comprise bound bundles of assorted papers relating to the acquisition of property under the 1825 Act. As you can see from the list of deeds above, most of these were Conveyances and a large number
of the papers seem to relate to various objections put forward by the owners of the properties concerned, being Minutes, Condescendences of Claims, Submissions, Answers, Notes of Evidence, Proofs, correspondence etc. We found a few draft Conveyances relating to properties over which there had obviously been a problem. There are also some Inventories of Title for some of the purchases. One interesting document gave the projected cost of the Buildings at over £96,500. There were various Schedules giving lists of properties still wanted and properties purchased at various dates. (E885/28/41-60) The most relevant bundle was probably the last one we examined (E885/29/91-100), which contained: a schedule of properties not purchased on 21 October 1825, with full notes on the properties, a schedule of properties purchased under the Act in 1825, a schedule of properties destroyed or damaged by fire in June and November 1824 and additional schedule and appendices. The bundle prior to this (E889/29/67-90) included several draft Conveyances and a document on the State of Title.

As already stated, these documents can be viewed at West Register House and could be used as a cross-reference with the list of deed above. The copy plans we forwarded with our last letter came from these Exchequer Records.

We have now reached the fee limit imposed, so have been unable to search any older records. We trust this will be of assistance and enclose a note of our fee.

Yours faithfully,

M. Ann Farmer

Authorised Signatory

MAF

Disclaimer

While we exercise all reasonable care in searches of this nature, because of the limitations of the information available to us, it is not always possible to be certain that all relevant titles have been traced. Accordingly, we cannot accept any responsibility for any direct or indirect or consequential loss which may occur as a consequence of the report.
Scottish Courts Service ("SCS") requested that the ownership of the area of ground shown outlined in red on Plan 1 ("the Site") be ascertained.

AREAS OF GROUND CLEARLY IDENTIFIED AS HAVING BEEN IN THE OWNERSHIP OF THE SECRETARY OF STATE FOR THE ENVIRONMENT, TRANSPORT AND THE REGIONS

The following areas of ground have been clearly identified as being in the ownership of the Secretary of State for the Environment, Transport and the Regions and will therefore have transferred to the Scottish Ministers by virtue of the Scotland Act 1998 and The Transfer of Property etc. (Scottish Ministers) Order 1999:-

1. Area of ground shown coloured blue on Plan 1.

   This area of ground was described in the Disposition by the Union Bank of Scotland in favour of the Commissioners of Her Majesty's Works and Public Buildings dated 21 April and recorded GRS (Edinburgh) 17 May both 1880. The statutory successor to the Commissioners is the Secretary of State for the Environment, Transport and the Regions.

   The Disposition did not contain a plan. The extent of this area of ground has therefore been determined from the written description and cannot be relied upon as being wholly accurate.

2. Area of ground shown coloured orange on Plan 1.

   This area of ground was described in the Disposition by City of Edinburgh District Council in favour of the Secretary of State for the Environment dated 6 July and recorded GRS (Midlothian) 15 August 1979.
3. **Area of ground shown coloured yellow on Plan 1.**

This area of ground was included in the subjects described in the Disposition by City of Edinburgh Council in favour of the Secretary of State for the Environment dated 20 March 1987 recorded GRS (Midlothian) 9 April 1987.

An exchange of land took place to straighten the boundary with the Society of Solicitors in the Supreme Courts of Scotland by Contract of Excambion dated 24 August and 2 October and recorded GRS (Midlothian) 5 December all 1989.

4. **Area of ground shown coloured green on Plan 1.**

This area of ground was disposed in Disposition by the City of Edinburgh District Council in favour of the Secretary of State for the Environment dated 14 December 1988 and recorded GRS (Midlothian) 16 January 1989.

**SUBJECTS VESTED IN THE SECRETARY OF STATE FOR THE ENVIRONMENT, TRANSPORT AND THE REGIONS BY VIRTUE OF STATUTE**

1. **The Commissioners of Works Act 1852**

This Act vested in the Commissioners of Her Majesty's Works and Public Buildings "all the Courts, Court Houses and Buildings for the Accommodation of the Courts of Session, Justiciary, Exchequer, Jury Court or other Supreme Courts at Edinburgh, and of the Clerks and Officers thereof, and all the Lands and Buildings connected therewith, and all lands whereon the same are built, and all lands or heritages held therewith, or purchased or acquired under or by virtue of the Acts." (being the 1806, 1808, 1819 and 1925 Acts after mentioned).
The 1852 Act gave the Commissioners a personal right to the property which would entitle them to perfect their title by recording a Notice of Title or Notarial Instrument. This right will have transmitted down to their statutory successor the Secretary of State for the Environment, Transport and the Regions and hence to the Scottish Ministers. As far as we can determine no Notice of Title was ever recorded no doubt due to the problems which would face SCS in doing so today.

2. **Acts referred to in the 1852 Act**

The powers conferred under the Acts themselves give some indication of the extent of the property which may be traced and also the name in which the property was acquired. It is therefore worth outlining these powers:-

(i) **the 1806 Act** provided the Barons and the Exchequer with the power to take down the then existing Treasury Chambers, & erect new buildings on the site of the old or as contiguous thereto as may be.

(ii) **the 1808 Act** appointed Trustees (the Lord Clerk Register of Scotland, the Lord President of the Court of Session, the Lord Advocate of Scotland, the Lord Justice Clerk, the Lord Chief Baron of the Court of Exchequer in Scotland, the Lord Provost of the City of Edinburgh, the Dean of the Faculty of Advocates, the Solicitor General of Scotland and the Members of Parliament for the City and for the County of Edinburgh) conferring upon them the to power to erect additional buildings for the Court of Session, and Advocates' Library and a jail in the vicinity of these buildings.

(iii) **the 1819 Act** empowered the Barons of Exchequer to provide monies to the Trustees above mentioned for the building of suitable accommodation for housing new Jury Courts.

(iv) **the 1825 Act** recited the first 3 Acts, added additional Trustees and empowered them to erect further buildings for the Jury Court, the Court of Exchequer, Admiralty Court and Commissary Court (most of which had previously been destroyed in the great fire of 1824 also for the purpose of widening and improving access thereto).
3. **Deeds following on the above Acts**

There is an 1818 Instrument of Sasine in favour of the Barons of Exchequer. Unfortunately, the Instrument of Sasine incorporates the description wholesale of a 1727 Charter which is in Latin and therefore we cannot yet plot this area of ground on the plan provided.

In addition Millar & Bryce have provided the abridgement notes for 88 conveyances or dispositions in favour of the Trustees under the 1825 Act. These relate to subjects in Parliament Close, (which probably ran from Parliament Square to the Cowgate), south side of High Street, west side of Old Fishmarket Close, north side of Cowgate, the Meal Market (which was north of the Solicitors' Buildings and others. These conveyances probably account for large areas on the south and east area of our site hatched in red on the plan but we do not expect to be able to plot them accurately because of inadequate descriptions.

**SEARCHES**

No searches have as yet been brought down from the deeds identified to date.
Scottish Executive
Legal & Parliamentary Services
Office of the Solicitor to the Scottish Executive
Victoria Quay
Edinburgh
EH6 6QQ

F.A.O. Catherine Wilson

Dear Sirs

PARLIAMENT HOUSE, EDINBURGH
SCOTTISH MINISTERS

I refer to your letter of 21 April 2006 enclosing copy of the Disposition of the Scottish Ministers’ title to Parliament House and plan showing the area to be registered.

I confirm that The City of Edinburgh Council has no right, title or interest to any part of the land you are seeking to register. The City of Edinburgh Council consents to the registration of the Scottish Ministers’ title to Parliament House.

Yours faithfully

Kathleen M. Gibb
for Council Solicitor:

Council Solicitor - Gill Lindsay

If telephoning please call - Ms Kathleen Gibb
Tel: 0131-529 4146 Fax: 0131-529 4294
Kathleen.gibb@edinburgh.gov.uk

City Chambers, High Street, Edinburgh EH1 1YJ
Legal Post 1 – Edinburgh 8

KMG.5.56(LE)
Dear Paul

PARLIAMENT HOUSE, EDINBURGH

Thank you for your letter of 4 August with enclosures, which were very helpful. It would, I think, probably be useful if I also explained in more detail where the Council’s concern has originated from.

In 1905 there was an extremely thorough report compiled on the Common Good of the City with a map showing those interests understood to at that time comprise the Common Good.

I enclose an extract from this map which clearly shows this section of the Old Town as being part of the Old Royal Burgh, and not having been feued off. In addition, page 31 of the Report states the following under the heading “The Old Parliament House”, and I quote:

“The large Hall, with certain portions around it, still belongs in property to the Corporation. The rooms underneath the large Hall appear to have been handed over to the Corporation for the use of the Advocates’ Library”.

I enclose a copy of this page, and the relevant section of the map.

I also enclose further information provided to me by the Council Archivists, which includes an excerpt from a publication called “The Municipal Buildings of Edinburgh” and its section about Parliament House. Which, again, makes clear, on pages 96 and 97, that at the time of its publication (1895) Parliament House was still owned by the Council. In addition, there are handwritten notes on the Lord Provost’s...
Committee of 28 January 1925, which heard a "Report by the Town Clerk in regard to the Corporation's interests in the Parliament House", which show that in 1925 there were discussions about the possible transfer of the Laigh Hall to the Faculty of Advocates, but that this was ultimately not progressed.

Against this background I asked Burness Paull LLP to check the Register of Sasines/Land Register and see if there was any record of any disposals that might indicate the Council had conveyed the property. In short, they could not find any such record.

In the context of my findings, I see from the notes you provided, and you recognise this yourself in your letter, that some of the Scottish Ministers' title was "complex and unclear". Further, from my review of the enclosures in your letter I can see nothing which indicates the Scottish Ministers, as it was then, having a valid and marketable title to Parliament House. Indeed, the OSSE Title Report only appears to be able to specifically identify other land or various Acts of Parliament which resulted in The Commissioners of Works Act 1852. In contrast, the papers supplied by the Council Archivists demonstrate that title to Parliament House did not pass as a consequence of the 1852 Act, and was still understood to belong to the Council many years later.

Given this, I am concerned that we, potentially, have a situation where an extremely significant Common Good asset may have inadvertently passed over to the Scottish Ministers. I wish to be clear, as I stated before in my letter of 6 June 2014, that there may be some information the Council is unaware of which would clarify this matter and resolve it satisfactorily, but on the face of it, I do not believe I yet have such information.

I am very aware you have inherited this matter, and there is quite a bit of information to digest here. This being the case, could we arrange a meeting to discuss this matter, when you have had a chance to consider this letter?

I look forward to hearing from you.

Yours sincerely

[Signature]

Principal Solicitor

Enc
REPORT ON COMMON GOOD

ing, and heating, so far as outside the portions then used by the High Kirk
congregation; (4) to apply money derived from permission to erect monu-
ments or windows, or the admission of the public, towards monuments, and
cleaning, lighting, and heating the portions of the building other than those
then used for service, and other purposes; (5) without prejudice to the rights
of property of the Lord Provost, Magistrates and Council in the Church of
St Giles, or the administrative rights vested in the other parties.

2. The Old Parliament House.

The large Hall, with certain portions around it, still belongs in property
to the Corporation. The rooms underneath the large Hall appear to have
been handed over by the Corporation for the use of the Advocates’ Library.

3. The High School Site and Buildings.

The buildings of the High School as they stood at the passing of the
Education (Scotland) Act, 1872, and the site thereof belonged to the Cor-
poration as part of the Common Good. The cost of these was paid out of the
Common Good, with the assistance of some private subscriptions. Under
the Act the High School was vested in and placed under the management of
the Edinburgh School Board, which thereafter, with respect to School
management and the election of teachers, and generally with respect to all
powers and duties in regard to the School then vested in the Town Council
and Magistrates, superseded and came in place of the latter. The feudal
title is with the Corporation, but the use of the premises is appropriated
under the Statute for Educational purposes, until Parliament arranges other-
wise, as for example, by providing for the School a substituted building as in
the case of West St Giles Church. The School Board has a Statutory title
for Statutory purposes which Parliament may alter or withdraw.

4. Leith Harbour and Docks.

The first step towards placing Leith Harbour and Docks under statutory
control, apart from the Corporation of Edinburgh, was under the Act of 1826.
when a statutory Commission consisting of twenty-one members was ap-
pointed for superintending, managing, and directing all matters in regard to
the maintenance, repair, and improvement of the Harbour and Docks of
Leith, and of all works connected therewith. By Section 3 of the City
Creditors Act, 1838, hereinafter referred to, the number of the Dock Com-
missioners was reduced to eleven, and the constitution of the Commission was
REPORT
ON
THE COMMON GOOD
OF
THE CITY OF EDINBURGH

BY
THOMAS HUNTER, W.S.
Town Clerk
AND
ROBERT PATON
City Chamberlain

EDINBURGH: MCMV
PRINTED FOR THE LORD PROVOST, MAGISTRATES, AND COUNCIL
At a meeting which he had with the Lord Advocate recently, the Town Clerk was informed that in connection with the Bill which is being prepared in regard to the new National Library, it was desired to clear up questions in regard to the possession and title of the Faculty of Advocates to portions of the Parliament House buildings. To do this it will be necessary in the Lord Advocate's opinion to have the co-operation of the Corporation and he desires to know whether the Corporation would be willing to co-operate in the matter.

This request is made in view of the fact that the old Parliament House was erected by the Corporation in the reign of King Charles I and belonging to the Corporation and out of moneys which were partly provided by the Corporation and partly raised by subscription from its citizens.

To the Town Clerk is aware the heritable right still stands in the Corporation but as regards the matter generally the Town Clerk can only express tentative opinions until an exhaustive search has been made into the subject, for which time has not yet been found.

The site for the Parliament House was part of the old Churchyard of St Giles which was granted to the Town Council by Charter granted by Queen Mary in 1566. The Town Council in May of the time when the site was to be "a distant place where the Privy council Houses do now stand." The erection of the Parliament House extended over the period from 6 April 1632 to 8 November 1640. The total cost was £10,829, 17s. 7d., whereas £6770, 13s. 6d. was paid out of the Common Good and £3703. 5s. 4d. was raised by voluntary contributions of the citizens. The building which was then erected does not correspond to the buildings now occupied by the Courts of Justice Law etc., in Parliament Square. The site of the building erected by the Corporation is shown on a plan which is given in the late Dean of Guild Miller's house, or the Municipal Buildings of Edinburgh. The building however included the Parliament Hall.

The building was intended for the use of the Parliament of Scotland and the College of
Justice. The explanation of the building being provided by the Corporation is given by Professor Hanney as follows: "The buildings themselves would be owned and maintained by the Municipality, its various occupants were to sit rent-free. This arrangement was founded on the old conception that it was the office of the local community to provide accommodation for institutions and meetings which made business and which had come to be associated with Edinburgh by custom or convenience."

Although mainly intended for the Parliament and the College of Justice, the building was used for other purposes as, for example, by the Corporation for the Baillie's Court etc. and by the Faculty of Advocates for their library etc. There are numerous references in the Town Council minutes to arrangements being made for the use of part of the buildings for the Faculty of Advocates. In a petition for further accommodation which the Faculty submitted to the Town Council in 1790 it is mentioned that "the rooms below the Parliament House were appropriated by the Magistrates of Edinburgh towards the end of the last century for the purpose of a library to the Faculty of Advocates". The petition goes on to narrate that this accommodation had in course of time become too small and the use of further rooms was asked for, and that the Town Council agreed to give, carefully adding "during the pleasure of the Council". The relation between the Corporation and the Faculty at that time may be gathered from the following extract from its minute: "The Faculty may assure themselves that... they may have the use of those rooms if the increase of their collection of books is acquired, and that the good understanding which it is always the interest of the Magistrates to cultivate with the Honorable Faculty may make them expect every convenience that it is in their power to grant them."

The following passage from John Gaddie Miller's book states the position concisely: "Thenceforward, throughout its entire history there has been an intimate connection between the Old Parliament House and the Town Council of Edinburgh. It was built in 1696 and its west front is mainly from contributions from the Common Good supplemented by subscriptions from its citizens. The cost of its maintenance and of all repairs was defrayed for nearly two centuries owing the
Municipal funds and for nearly two centuries also the Parliament Hall was the Public Hall of the Town.

Among its various uses the Parliament Hall Mr. Miller mentions annual dinners on the occasion of the King's birthday, meetings of the citizens for various public purposes and even musical festivals.

So late as 1824 a musical festival was held in the Parliament Hall.

Although, as Mr. Miller mentions, the Town Council bore the whole cost of upkeep and maintenance of the Parliament House for two centuries, they have ceased to do so for many years now. The arrangement under which the Town Council ceased to be responsible for its upkeep is set forth in the Town Council Minutes of 10 April 1816. A letter was submitted from the Essex King's Remembrancer in Exchequer which contained the following passage: "The Trustees for the new buildings for the better accommodating the College of Justice having some time ago taken into their consideration the means in which the repairs of the Parliament House have been in use to be met and that the expenses thereby have always been paid by the City of Edinburgh, they were of opinion that, as those buildings were entirely for the use of the Courts of Law, it was not proper that the Town should be burdened with that expense and proposed that in future those repairs should be defrayed by the public upon condition that the Magistrates should relinquish their right to the appointment of one of the Chambermen which they had always exercised, but which the Trustees thought it would be more proper to hold in the Dean of Exchequer. The nomination the site chambermen."

It may be conjectured that the Trustees referred to in this letter were appointed under the provisions of an Act of Parliament passed in the year 1808, namely: 48 Geo. III, c. 146.

The letter was considered by a Committee of the Town Council, who reported as follows. "The Committee are of opinion that if the Magistrates and Council should surrender this patronage of appointing to the office of Dean Keeper to the Parliament House on condition of their being freed in all time coming from all claim on account of upholding the fabric of the Parliament House, and reserving always all other rights belonging to the Town in the premises. The Council approved of this recommendation and resolved accordingly. From this date the Corporation ceased to be responsible for repairs and gradually ceased to exercise any property rights in the building."
It may be mentioned that a little over a hundred years ago the Parliament House and the adjoining buildings were considerably altered and were transformed, in fact, into the shape which they bear today. It would appear from the Town Council Minutes that certain properties belonging to the Corporation were appropriated to this purpose. The arrangement under which this was done apparently formed the subject of much controversy for many years, and it is difficult to ascertain how the dispute was settled.

In the year 1852 a clause was inserted in a public Act of Parliament conferring upon the property's Commissioners of Works a statutory title to the "Supreme Court Buildings at Edinburgh." This Act was entitled the "Commissioners of Works Act, 1852." Section 4 provided that the "Courts, Court-house and buildings for the accommodation of the Courts of Session, Justiciary ... or for the Supreme Courts at Edinburgh and of the Clerk of Session's House, and all the lands and buildings connected therewith, and all lands wherein the same are built and all lands or tenements held, lease or purchased or acquired ... shall be vested in the Commissioners of Works in their corporate capacity for the purposes specified in the said Acts respectively, and shall be maintained and kept in repair by the said Commissioners." This section is very wide in its terms, but it is understood that it does not apply to the Parliament Hall or to the rooms under the same occupied by the Faculty of Advocates.

The only other transaction which has been discovered which may be referred to is one entered into between the Corporation and the Commissioners of Works in the year 1876. To the east of the Old Parliament House there were a number of properties which belonged to the Corporation and which were either sold or leased by them. These properties were ultimately all acquired by the Commissioners of Works and in the year 1876 they entered into a transaction redeeming the freehold and estates in respect of these properties. The total amount paid was £3125, but this included a payment of £1850 in respect of certain freeholds and estates. A formal discharge was granted in respect of this payment on 18 April 1876. This deed included a clause to the following effect: 'Declaring as it is hereby
expressly provided and declared that nothing herein contained shall apply to or affect the Old Parliament House of Scotland and site therein or on or in (ie. its Magistrates and Council's) claim of right liberate or any claim or right competent to the Crown or any others therein all which are hereby reserved entire.

The question at present raised would appear to apply only to the part of the Old Parliament House occupied by the Faculty of Advocates. In view of the history of the building and of the fact that although it was provided by the Corporation, this admittedly was for the public purposes for which it has been occupied, it would seem that it would be hardly possible for the Corporation to make any effective claim to the building, at least if this were to lead to a change in the occupation. Hence, the Town Clerk desires to make it clear that it is probable he may not be seized of the whole facts as he has not had time to make an exhaustive search. Assuming that the Town Council still have a right to the Parliament House, it is admirably for consideration whether, if this would advance its great project for the new Library for Scotland, the Corporation might not as their contribution to this object acquiesce in the Lord Advocate's request.

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The Town Clerk reported that he had now learned from the Lord Advocate that it is not now desired to take any further action in the matter.
by the Board were left untouched, a door would be opened "for its being main-
tained that the Board of Works, through paying no feu-duty, had a right to the
property beyond what they do possess, and that they might found upon the Discharge
to fortify that right." After three months' negotiations in all, the following modification
was proposed on behalf of the Council (April 3rd, 1876), and accepted by the Board of
Works, "Declaring, as it is hereby expressly provided and declared, that nothing herein
contained shall apply to or affect the old Parliament House of Scotland and site thereof,
or our claim of right thereto or any claim of right competent to the Crown or any
others therein, all which are hereby reserved entire." 1

The final result of this correspondence, which ended in leaving things as they were,
appears in page 5 of the "Abstracts of the Accounts of the City of Edinburgh,
1875-76." It puts on record the claim of the Town Council of Edinburgh to the
ownership of the historic Hall, which had been built mainly at their expense, and
upheld by them, even in the smallest detail, for nearly two hundred years. That
ownership had never been forgotten, but there had not arisen any necessity to assert it.
The accounts show that £3,125 had been received from the Commissioners of Her
Majesty's Works and Public Buildings, as the Consideration-money for a Discharge
(dated 18th April 1876) of all Feu-duties and Casualties, past due and future, incident
to the Estate of Superiority in the Subjects adjoining the Parliament House, "which
subjects comprehend the whole Property belonging to the said Commissioners, held
of the Magistrates and Council as Superiors, by the said Commissioners, lying
between the Parliament Square on the north, the Cowgate on the south, George IV.
Bridge on the west, and the boundary wall between the said subjects described and the
Property of the Union Bank of Scotland and the Exchequer Chambers on the east,
under the express condition and declaration in the said Discharge, that nothing
therein contained shall apply to or affect the old Parliament House of Scotland, and
site thereof, or the Magistrates and Council's claim of right thereto, or any claim of
right competent to the Crown, or any others therein, all which are reserved entire." It
is perhaps necessary to repeat, in interpretation of the "subjects" referred to, that
there never was an Estate of Superiority created between the Town Council of Edin-
burgh and the "Commissioners of Her Majesty's Works and Public Buildings" for
the ground on which Parliament House stands, and accordingly there was never any
feu-duty or composition payable to the Council for it. The Parliament House was
clearly not involved or included in any way in the "Discharge." That document
applied only to "the whole Property belonging to the said Commissioners, held of
the Magistrates and Council as Superiors, by the said Commissioners," and therein
described, which Parliament House certainly was not.

1 Correspondence, Wm. White Millar, S.S.C., representing the Council, and Donald Beith, W.S.,
for Board of Works, re Parliament House, 1876.
The old Scottish Parliament House is no longer used in any part of it for municipal purposes; the Lower Hall was generously "gifted" nearly two hundred years ago for the noble uses it has served so long, the Upper Hall has been yielded as necessity or dignity required it, to become the Westminster Hall of the Scottish College of Justice, but Parliament House remains Municipal and Municipal property still, as its dominium utile,—its ownership,—is vested in the Council of the City of Edinburgh, by whose authority, and at whose expense mainly, it was built.

NOTES ON THE PARLIAMENT HOUSE.

I.

Page 87. MUNICIPAL IN THE EIGHTEENTH CENTURY.—Several old "Inventories of the Good Town of Edinburgh's Store," which have been examined, confirm the statements in the text as to the general use that was made of the Parliament House as the property of the City. An "Inventar," dated 1700, "of the Good Towne of Edinburgh their store in the custodi of James Pringle," enumerates in detail the various articles belonging to the City which were at that date in the Council Chamber, the Vesterie, the Magazine House, and the Laigh Parliament House. In the latter were deposited, amongst other things, the Maiden and its frame, a gibbet and ladder, forms, tables, cushions, and chairs, "all for tymne of parliament," a "large partition wall of dales and branders of timber painted green which crosses the Parliament house in tymne of Parliament," several old chests, and lamps, and halberts and guns and stools, with buckets and "water ingines," and axes and chains "for fyre." The "Inventar" of 1713 distinguishes between the "Lower Parliament House" and the "High Room." In the "Lower Parliament House" the articles enumerated are much the same as in 1700, with the addition of an "old pulpit," which appears in the inventories of 1744 and 1747 as the "old pulpit said to be John Knox's pulpit." It stood in the Parliament Hall on the outer side of the partition, and was used for sermons in time of Parliament. Some of Cromwell's troopers "exercized" themselves and their horses in it. It is now in the Antiquarian Museum. In the "High Room," were deposited, in 1718, the frame of the Maiden, "the Croce Furriner to be made use of on the Queen's birthday," and several barrels and buckets for use in case of fire, with other things of less interest. The "Inventor" of 1744 and that of 1747 distinguish between the "Magazine below the Parliament house, Ground Storie," and the "Upper Storie," and give both as occupied by the property of the Town Council. The most prominent of the objects scheduled at the latter dates are,—in the "Ground Storie," "the theatre that is set at the Crose on solemnity days," "the maiden with its frame, and a large knife in a box," "the gallows, scaffold, &c.," and "a pair of stocks that comes from the Guard,"—and in the "Upper Storie," several lamp glasses, more than a hundred fire buckets, six forms for the Burrows when they ate in B: room," a sun-dial that had been in the Council Chamber, and "six white iron lanterns for the stair when the theatre, &c., are taken out and taken into the Magazine."

The inventories for 1700, 1713, and 1744, are amongst the general records of the Council in the Council Chambers. That for 1747 is in the Corporation Museum. The latter was found many years ago, as stated in an endorsement, amongst some old papers belonging to the late Dr M'Cleish, and was placed in the Museum for preservation by Mr Skinner, the late Town Clerk.

II.

Page 90. "Solemnization of the King's Birthday.—The following petition is, it is to be hoped, unique as a Municipal or quasi-Municipal document. It finds a place still in the Council Archives as an illustration of the claims that were made sometimes upon the authorities of Edinburgh in connection with the annual display of loyalty in the Parliament Hall:
Jan

Thanks, I look forward to hearing from you.

Regards

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Jan

Apologies for not being in contact with you before now. In your most recent letter you proposed a meeting. I think that would be helpful and I’ll arrange for my PA to get a date in the diary.

Best wishes,

Jan

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