

# **CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL**

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## **EXPLANATORY NOTES (AND OTHER ACCOMPANYING DOCUMENTS)**

### **CONTENTS**

1. As required under Rule 9A.2 of the Parliament's Standing Orders, the following documents are published to accompany the City of Edinburgh Council (Portobello Park) Bill introduced in the Scottish Parliament on 25 April 2013:

- Explanatory Notes;
- a Promoter's Statement; and
- the Presiding Officer's Statement on legislative competence.

A Promoter's Memorandum is printed separately as SP Bill 29-PM.

2. This document also includes an Assignment of Copyright / Licensing Agreement under Rule 9A.2.3(e) and the Promoter's Statement on legislative competence given in accordance with Rule 9A.2.3(za). These items are also published separately by the promoter.

## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes have been prepared by Brodies LLP on behalf of the promoter, the City of Edinburgh Council (“the Council”), in order to assist the reader of the City of Edinburgh Council (Portobello Park) Bill (“the Bill”) and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

2. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

### **SUMMARY AND BACKGROUND TO THE BILL**

3. The purpose of the Bill is to allow the Council to use Portobello Park, Edinburgh (“the Park”) as the site of a new Portobello High School. At present the Council is unable to do so, because the Park is inalienable common good land.

4. The Council approved the Park as the preferred location for a new Portobello High School on 21 December 2006 following a statutory consultation, and approved the project to build the new school on the Park on 18 December 2008. Planning permission was granted on 24 February 2011.

5. The Council proposed to appropriate the Park to be used as the site of the new school. This would change the function for which the Park was held and the use to which it was put, though title to the Park would remain in the Council’s name. The change would include moving the Park from the Council’s Services for Communities Department to its Children and Families Department.

6. This proposal was challenged in the Court of Session, and in September 2012 the Inner House of the Court of Session decided that the Council could not appropriate the Park due to its status as inalienable common good land.

7. The Park forms part of an area of land disposed to the Council’s predecessors, the Lord Provost, Magistrates and Council of the City of Edinburgh, by Sir James Miller in 1898. The disposition provided that the land disposed, which also included what is now Portobello Golf Course, was to be “used exclusively as a public park and recreation ground for behoof of the community”. The disposition also contained a condition against building on the Park, other than buildings consistent with the use of the land as a public park or recreation ground. These conditions, together with the historical background to the Council’s acquisition of the Park and the public’s subsequent use of it, mean that the land has inalienable common good status.

8. Section 73(1) of the Local Government (Scotland) Act 1973 (“the 1973 Act”) confers on local authorities a power to “appropriate for the purpose of any functions, whether statutory or otherwise, land vested in them for the purpose of any other such function”. Section 75(1) of the

1973 Act allows local authorities to use section 73(1) to appropriate “land forming part of the common good of an authority with respect to which no question arises as to the right of the authority to alienate”.

9. The Inner House decided that this power did not extend to common good land where the authority’s right to alienate is in question (i.e. inalienable common good land such as the Park). The 1973 Act also makes no provision for the courts to permit the appropriation of such land, though they can give authorities permission to dispose of it under section 75(2) of the 1973 Act.

10. The Council is therefore unable to appropriate the Park for use as the site of the new Portobello High School as long as it remains inalienable common good land.

11. The Bill alters the status of the Park so that, for the purposes of Part VI of the 1973 Act (which includes sections 73 and 75), it is deemed to be “land forming part of the common good” of the Council “with respect to which no question arises as to the right of the authority to alienate”. The Bill therefore allows the Council to rely on section 73(1) of the 1973 Act to appropriate the Park for the purposes of its functions as an education authority.

12. The Bill is limited so that the Park may only be appropriated for that purpose, and does not change the Park’s common good status. The inalienable status of the remainder of the land disposed in 1898 (which forms Portobello Golf Course) remains unchanged, and the Bill does not affect any other land. The Bill does not itself authorise the construction of a new school, which remains subject to statutory planning control.

## **COMMENTARY ON SECTIONS**

### **Section 1**

13. Subsection (1) provides that the Park is deemed to be alienable common good land for the purposes of Part VI of the 1973 Act. This enables the Council to rely on section 73(1) of that Act, read with section 75(1), to appropriate the Park for functions other than the recreation purposes for which the Park is currently vested in the Council.

14. Subsection (2) limits subsection (1) so that the Park may only be appropriated for the purposes of the Council’s education authority functions. The Park otherwise remains inalienable, and so the Council may not appropriate it under section 73(1) of the 1973 Act for any other purpose. Section 17 of the Education (Scotland) Act 1980 confers on the Council a duty to provide for its area sufficient accommodation in public schools, and a power to provide, alter, improve, enlarge, equip and maintain schools for that purpose.

### **Section 2**

15. In its September 2012 decision, the Inner House questioned whether the terms of the disposition might have given rise to a title condition preventing a change in the use of the Park, separate from the restrictions placed on the Council by the 1973 Act. Subsection (1) confirms for the avoidance of doubt that nothing in the disposition prevents the Council from relying on Part VI of the 1973 Act in respect of the Park.

*These documents relate to the City of Edinburgh Council (Portobello Park) Bill (SP Bill 29) as introduced in the Scottish Parliament on 25 April 2013*

16. Subsection (2) confirms for the avoidance of doubt that the Council may continue to use the land for the provision of recreational, sporting, cultural and social facilities and activities. This would include using any school facilities constructed on the land for those purposes. These are the purposes for which the land was originally dedicated, and will continue to be given effect insofar as the construction and operation of any school constructed on the land allows.

### **Section 3**

17. “Portobello Park” is defined to exclude that part of the land disposed in 1898 that currently forms Portobello Golf Course.

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## **PROMOTER'S STATEMENT**

### **NOTIFICATION TO PERSONS WITH INTEREST IN HERITABLE PROPERTY**

1. This part of the statement is provided under Rule 9A.2.3(d)(i) of the Parliament's Standing Orders. That Rule applies because the Bill contains provisions which may affect heritable property.

2. No heritable property will be acquired compulsorily or made subject to temporary possession as a result of the Bill. Accordingly, the persons having an interest in heritable property that may be affected by the Bill consist of persons with an interest in property adjacent to Portobello Park (the "Park") or the adjoining Portobello Golf Course (the "Golf Course"), and/or property that may be affected by the process of constructing the school and associated facilities (that being a likely consequence of the Bill being enacted given the existing planning permission), as established by the methodology below. Notice of the intention to introduce a Bill was given by means of a notification sent to each of these properties by first class Recorded Delivery post on 25 March 2013. The notification is appended to this Statement as Annex 1. Notifications showing on the Royal Mail website as undelivered were subsequently hand-delivered to the relevant properties on 23 April 2013 by two Council officers. A signed acknowledgement of delivery was obtained from the recipient where possible. Where that was not possible the officers left the notification at the premises and provided written confirmation of delivery. Delivery was not possible to a small number of properties that were boarded up or otherwise inaccessible.

3. The methodology for identifying the relevant properties was identifying all properties immediately adjacent to the Park or Golf Course, and adding all properties within the same 'block' as those adjacent properties (i.e. other properties that could be reached without crossing any roads or footpaths). The blocks were identified as follows:

<b>Block (clockwise from the northernmost)</b>	<b>Block boundaries (clockwise from the block's northernmost point)</b>
1	Railway line; Hope Lane; Stanley Street; Southfield Place.
2	Railway line; the driveway between numbers 17 and 21 Christian Crescent; Christian Crescent; the footpath running from Christian Crescent to Hope Lane; Hope Lane; the footpath running from Hope Lane to St Mark's Place.
3	Christian Crescent; Brand Drive; Christian Grove; Hope Lane; the footpath running from Christian Crescent to Hope Lane.
4	Brand Drive; Hope Lane; Christian Grove.

<b>Block (clockwise from the northernmost)</b>	<b>Block boundaries (clockwise from the block's northernmost point)</b>
5	The footpath running from Brand Gardens to the south-western end of Christian Crescent; Milton Road; Hope Lane; Brand Drive; Brand Gardens.
6	Magdalene Drive; Magdalene Avenue; Magdalene Place; Milton Road
7	Milton Road; Magdalene Place; Magdalene Avenue; Baillie Place; Milton Road
8	Baillie Place; Baillie Terrace; Duddingston Park South; Milton Road
9	Park Avenue; Milton Road; Duddingston Park; Park Lane
10	Park Avenue; Park Lane; Duddingston Park, Durham Place Lane
11	Stanley Street; Park Avenue; Durham Place Lane; Duddingston Park; Southfield Place

4. The Council created a digital boundary encompassing these blocks using its Geographic Information System. The Council then identified all the addresses shown on its Corporate Address Gazetteer system as being within that boundary. Heritable properties falling within these areas that appeared on the Corporate Address Gazetteer system as garages or lock-ups did not receive a notification, on the basis that they would be affected by neither the Bill nor by the process of constructing the school and associated facilities that is a likely consequence of the Bill being enacted.

5. This methodology encompassed significantly more properties than the usual approach for planning purposes, which would be to identify all properties within a 20 metre perimeter of the Park.

6. Given that the Bill is likely to have only a limited effect on any heritable properties other than the Park, that it will not alter or affect any individual's heritable interest in such properties, and that there was already significant awareness of the Council's proposal and the prospective Bill in the community (and particularly in the immediate vicinity of the Park), the Council took the view that identifying the specific individuals with interests in the identified properties would in the circumstances be a disproportionately costly and time-consuming exercise. Accordingly, the notifications were addressed to the owner/occupier of each identified property, and requested that, if the recipient was not the owner, the notification be brought to the owner's attention promptly. A number of the properties that received notifications are known or believed to be owned or factored by Bield Housing Association (known as Bield Housing and

Care). A notification addressed to the Association was therefore sent to its place of business at 79 Hopetoun Street, Edinburgh EH7 4QF.

#### **NOTIFICATION TO AND CONSENT FROM MEMBERS ETC.**

7. This part of the statement is provided under Rule 9A.2.3(d)(ii) of the Parliament's Standing Orders. That Rule applies to the Bill because the promoter is a body corporate.

8. Section 82 of the Local Government (Scotland) Act 1973 (as amended) requires that a local authority promoting private legislation must pass a resolution to promote the legislation and a further confirmatory resolution after the Bill has been introduced. At least ten clear days' notice of each of the meetings at which these resolutions are voted on and of the purpose of the meetings must be given by advertisement in one or more newspapers circulating in the local authority's area. Such notice must be given in addition to the ordinary notice required to be given for convening a meeting of the local authority. Both resolutions require to be passed by a majority of the whole number of the members of the local authority.

9. In accordance with section 82 a meeting of the Council was held on Thursday, 14 March 2013 when a resolution to approve the promotion of the Bill was proposed.

10. Notice of the meeting was published in the Edinburgh Evening News on Monday, 25 February 2013. The terms of that notice are set out at Annex 2.

11. The members of the Council also received an email on 8 March 2013 with the agenda for the meeting, as well as a link to a report setting out the background to the proposal to introduce a Bill and the reasons why a resolution to do so was being sought, including the results of the consultation exercise undertaken by the Council. The agenda and report are available at <http://www.edinburgh.gov.uk/download/meetings/id/38592/> and <http://www.edinburgh.gov.uk/download/meetings/id/38495/> respectively.

12. The resolution was agreed unanimously at the meeting on 14 March 2013, with 55 of the 58 Council members in attendance. The resolution as passed was as follows:

“The Council formally resolves to promote legislation by way of a Private Bill to reclassify Portobello Park as alienable common good land for the purposes of Part VI of the Local Government (Scotland) Act 1973, but only insofar as permitting the appropriation of the Park for the purposes of the Council's education authority functions.”

13. In accordance with section 82, a further meeting of the Council will be asked to confirm that resolution in a meeting held as soon as may be after the expiration of fourteen days after the Bill has been introduced. If the resolution is not confirmed by a majority of all members the Council will take all necessary steps to withdraw the Bill.

## **NOTIFICATION TO AND CONSENT FROM BODIES AFFECTED**

14. The Bill does not contain any provisions conferring powers upon or modifying the constitution of any body corporate or unincorporated association named in the Bill but not being the promoters. Accordingly Rule 9A.2.3(d)(iii) of the Parliament's Standing Orders does not apply.

## **ADVERTISEMENT OF INTENTION TO INTRODUCE THE BILL**

15. Notice of the intention to introduce the Bill was published in the Scotsman and the Edinburgh Evening News on 25 March 2013 and 2 April 2013. The text of that notice is reproduced at Annex 3 below.

16. A notice containing the information in the newspaper notice, plus some additional information, has been displayed from 25 March 2013 in the libraries detailed below, being all public libraries open to the public within the Council's area. The text of that notice is reproduced at Annex 4 to this statement.

<b>Library</b>	<b>Address</b>
Balerno Library	1 Main Street, Balerno, EH14 7EQ
Balgreen Library	173 Balgreen Road, Edinburgh, EH11 3AT
Blackhall Library	56 Hillhouse Road, Edinburgh, EH4 5EG
Central Library	7-9 George IV Bridge, Edinburgh, EH1 1EG
Colinton Library	14 Thorburn Road, Edinburgh, EH13 0BQ
Corstorphine Library	12 Kirk Loan, Edinburgh, EH12 7HD
Craigmillar Library	101 Niddrie Mains Road, Edinburgh, EH16 4DS
Currie Library	210 Lanark Road West, Currie, EH14 5NX
Drumrae Library Hub	Drum Brae Drive, Edinburgh, EH4 7ES
Fountainbridge Library	137 Dundee Street, Edinburgh EH11 1BG
Gilmerton Library	13 Newtoft Street, Edinburgh, EH17 8RG



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<b>Library</b>	<b>Address</b>
Granton Library	29 Wardieburn Terrace, Edinburgh, EH5 1DD
Kirkliston Library	16 Station Road, Kirkliston, EH29 9BE
Leith Library	28-30 Ferry Road, Edinburgh, EH6 4AE
McDonald Road Library	2 McDonald Road, Edinburgh, EH7 4LU
Moredun Library	92 Moredun Park Road, Edinburgh, EH17 7HL
Morningside Library	184 Morningside Road, EH10 4PU (library currently closed, temporarily located in mobile library unit at Falcon Road West, Edinburgh)
Muirhouse Library	15 Pennywell Court, Edinburgh, EH4 4TZ
Newington Library	17-21 Fountainhall Road, Edinburgh, EH9 2LN
Oxgangs Library	343 Oxgangs Road North, Edinburgh, EH13 9LY
Piershill Library	30 Piersfield Terrace, Edinburgh, EH8 7BQ
Portobello Library	14 Rosefield Avenue, Edinburgh, EH15 1AU
Ratho Library	6 School Wynd, Ratho, EH28 8TT
Sighthill Library	55 Sighthill Road, Edinburgh, EH11 4PB
South Neighbourhood Office and Library	40 Captain's Road, Edinburgh, EH17 8HN
South Queensferry Library	9 Shore Road, South Queensferry, EH30 9RD
Stockbridge Library	11 Hamilton Place, Edinburgh, EH3 5BA
Wester Hailes Library	1 West Side Plaza, Edinburgh, EH14 2ST

## **INSPECTION AND COPIES OF DOCUMENTS**

17. The Bill and accompanying documents (including the Assignment of Copyright / Licensing Agreement and Promoter's Statement on Legislative Competence), and other documents that the promoter considers to be relevant to the Bill but which are not accompanying documents (being a plan showing the Park and the proposed new Portobello High School, and the Feu Disposition granted by Sir James Miller in favour of the Lord Provost, Magistrates and Council of the City of Edinburgh dated 12 November 1898 and recorded in the Division of the General Register of Sasines for the County of Edinburgh (now Midlothian) on 16 November 1898), may be inspected at:

- The City Chambers, 253 High Street, Edinburgh EH1 1YJ
- Portobello Library, 14 Rosefield Avenue, Edinburgh EH15 1AU
- Piershill Library, 30 Piersfield Terrace, Edinburgh EH8 7BQ

18. The Bill and accompanying documents are also available on the Scottish Parliament's website ([www.scottish.parliament.uk](http://www.scottish.parliament.uk), go to 'Parliamentary Business', then 'Bills', then click on 'Current Bills').

19. All of the above documents can also be accessed via the Council's website at [www.edinburgh.gov.uk/portobelloprivatebill](http://www.edinburgh.gov.uk/portobelloprivatebill). Copies may be obtained free of charge from the premises mentioned above.

20. On 24 April 2013 the following statement was made:

"We, the City of Edinburgh Council, hereby undertake to send copies of the Assignment of Copyright/Licensing Agreement and Promoter's statement on legislative competence accompanying the City of Edinburgh Council (Portobello Park) Bill, together with any other documents relevant to the Bill submitted to the Parliament on or after introduction, to the premises determined by the Presiding Officer for the purpose of Rule 9A.4.2."

## **PROMOTER'S UNDERTAKING TO PAY COSTS**

21. On 24 April 2013 the following statement was made:

"We, the City of Edinburgh Council, hereby undertake to pay any costs that may be incurred by the Scottish Parliamentary Corporate Body during the passage of the City of Edinburgh Council (Portobello Park) Bill in respect of the matters determined by that Body under Rule 9A.2.3(d)(vi) of the Parliament's Standing Orders."

*These documents relate to the City of Edinburgh Council (Portobello Park) Bill (SP Bill 29) as introduced in the Scottish Parliament on 25 April 2013*

## **ANNEXES: FORM OF NOTICES SENT TO PERSONS AFFECTED AND NEWSPAPER NOTICES ETC.**

### **Annex 1: Text of notification sent to persons with an interest in heritable property that may be affected by the Bill**

Dear Sir / Madam

#### **City of Edinburgh Council (Portobello Park) Bill**

The purpose of this letter is to inform you that the City of Edinburgh Council intends to introduce a Private Bill, the City of Edinburgh Council (Portobello Park) Bill (“the Bill”), into the Scottish Parliament on or around 22 April 2013 and of the procedures involved should you wish to seek further information regarding the Bill, the parliamentary process to which it will be subject, or how to lodge an objection to the Bill.

The purpose of the Bill is to reclassify Portobello Park as alienable common good land for the purposes of Part VI of the Local Government (Scotland) Act 1973, but only insofar as permitting the appropriation of the Park for the purposes of the Council’s education authority functions. This would remove the existing legal obstacle to the Council using Portobello Park as the site for a new Portobello High School.

This letter is sent to you on the basis that your property may be affected by the Bill, to the extent that the Bill may lead to the construction and presence of the new High School on Portobello Park. **IF YOU ARE NOT THE OWNER OF THE PROPERTY, PLEASE ENSURE THAT THIS LETTER IS PROMPTLY BROUGHT TO THE ATTENTION OF THE OWNER.**

The day after the Bill is introduced in the Parliament, it will be published by the Parliament together with the following accompanying documents—

- Explanatory Notes
- Promoter’s Memorandum
- Promoter’s Statement
- Statements by the promoter and by the Presiding Officer of the Parliament on the legislative competence of the Bill

The day after introduction, the Bill and the above documents will be available on the Parliament’s website ([www.scottish.parliament.uk](http://www.scottish.parliament.uk), go to ‘Parliamentary Business’, then ‘Bills’, then click on ‘Current Bills’). In addition, copies of the Bill and its accompanying documents will be available for inspection at the following premises—

- The City Chambers, 253 High Street, Edinburgh EH1 1YJ
- Portobello Library, 14 Rosefield Avenue, Edinburgh EH15 1AU
- Piershill Library, 30 Piersfield Terrace, Edinburgh EH8 7BQ

*These documents relate to the City of Edinburgh Council (Portobello Park) Bill (SP Bill 29) as introduced in the Scottish Parliament on 25 April 2013*

Other documents that are relevant to the Bill (a plan showing the Park and the new Portobello High School, and the 1898 feu disposition that originally conveyed the land to the Council's predecessors) will also be available for inspection at the above premises.

All of the above documents will also be accessible on or via the Council website ([www.edinburgh.gov.uk/portobelloprivatebill](http://www.edinburgh.gov.uk/portobelloprivatebill)). Copies may be obtained free of charge from the premises mentioned above.

Once the Bill has been introduced, it will be subject to a three Stage process where it will be considered in detail both by a specially established Private Bill Committee and by the full Parliament.

Should you wish to object to the Bill, you will have 60 days to do so. The objection period commences the day after the Bill is introduced and ends at 5.00 pm on the sixtieth day thereafter. Where the sixtieth day falls on a day when the Office of the Clerk is closed, the period ends at 5.00 pm on the first day after that sixtieth day on which the office of the Clerk is open. Objections must be lodged with the Non-Government Bills Unit, The Scottish Parliament, Edinburgh, EH99 1SP (0131 348 5246, [private.bills@scottish.parliament.uk](mailto:private.bills@scottish.parliament.uk)).

A copy of the Parliament's *Guidance on Private Bills*, which explains in greater detail the procedures involved in the Private Bill process (including information about objections), is available on the Parliament's website ([www.scottish.parliament.uk](http://www.scottish.parliament.uk), go to 'Parliamentary Business' and then to 'Parliamentary Procedure'). A leaflet containing information for prospective objectors is also available on the Parliament's website – from "Parliamentary Business", go to "Bills", "Bills Explained" and then "Private Bills".

If you wish to lodge an objection, you will require to conform to the admissibility criteria set out in the Parliament's Standing Orders (its rules of procedure). Objections are required to—

- be in English or Gaelic;
- be printed, typed or clearly hand-written;
- set out clearly the name, address and, where available, other contact details of the objector (telephone, e-mail and fax);
- be signed (where applicable by a person duly authorised and showing that person's position or designation) and dated;
- set out clearly the nature of the objection i.e. why the objector opposes the Bill;
- explain whether the objection is to the whole Bill and/or specified provisions in which case these should be clearly identified;
- specify how the objector's interests would be adversely affected by the Bill, for example because of anticipated loss of earnings, or reduction in property values, adverse impact on employment or business, loss of amenity etc; and
- be accompanied by the lodging fee determined by the Scottish Parliamentary Corporate Body (currently £20.00).

It is important to emphasise **that an objection must explain whether it is against the whole Bill and/or specified provisions.** In either case **the objection must specify how the objector's interests will be adversely affected by the Bill.**

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All admissible objections will be posted on the Parliament's website (but with all personal details, other than the names of objectors, removed).

For further details on the Private Bill process and, in particular, the objection process, please contact the Non-Government Bills Unit (0131 348 5246, [private.bills@scottish.parliament.uk](mailto:private.bills@scottish.parliament.uk)). For further details on the subject matter of the Bill please see the Council's website ([www.edinburgh.gov.uk/portobelloprivatebill](http://www.edinburgh.gov.uk/portobelloprivatebill)), or contact Portobello Park Private Bill Team, The City of Edinburgh Council, 1/2 Waverley Court, 4 East Market Street, Edinburgh EH8 8BG or [NewSchoolBuildings@edinburgh.gov.uk](mailto:NewSchoolBuildings@edinburgh.gov.uk).

## **Annex 2: Statutory notice of Council meeting on 14 March 2013**

### **The City of Edinburgh Council**

#### **Statutory meeting under section 82 of the Local Government (Scotland) Act 1973**

Notice is hereby given under section 82 of the Local Government (Scotland) Act 1973 that a meeting of The City of Edinburgh Council will be held at City Chambers, High Street, Edinburgh on 14 March 2013 at 10am to consider and, if thought fit, approve and adopt a resolution that the City of Edinburgh Council promote a Private Bill in the Scottish Parliament, to be known as the **City of Edinburgh Council (Portobello Park) Bill**, reclassifying Portobello Park as alienable common good land for the purposes of Part VI of the Local Government (Scotland) Act 1973, but only insofar as permitting the appropriation of the Park for the purposes of the Council's education authority functions.

## **Annex 3: Text of newspaper notice of intention to promote the Bill**

### **Proposed Private Bill**

The City of Edinburgh Council intends to introduce a Private Bill, the City of Edinburgh Council (Portobello Park) Bill, into the Scottish Parliament on or around 22 April 2013.

The purpose of the Bill is to reclassify Portobello Park as alienable common good land for the purposes of Part VI of the Local Government (Scotland) Act 1973, but only insofar as permitting the appropriation of the Park for the purposes of the Council's education authority functions. This would remove the existing legal obstacle to the Council using Portobello Park as the site for a new Portobello High School.

From the day after introduction, the Bill and its accompanying documents will be available on the Parliament's website ([www.scottish.parliament.uk](http://www.scottish.parliament.uk)). Information about the Bill process, including how to lodge objections to the Bill, is also available on the Parliament's website or by writing to the Non-Government Bills Unit, Scottish Parliament, Edinburgh EH99 1SP. Additional information about the Bill can be obtained at <http://www.edinburgh.gov.uk/portobelloprivatebill> or by writing to Portobello Park Private Bill Team, The City of Edinburgh Council, 1/2 Waverley Court, 4 East Market Street, Edinburgh EH8 8BG or [NewSchoolBuildings@edinburgh.gov.uk](mailto:NewSchoolBuildings@edinburgh.gov.uk).

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#### **Annex 4: Text of library notice of intention to promote the Bill**

##### **Proposed Private Bill**

The City of Edinburgh Council intends to introduce a Private Bill, the City of Edinburgh Council (Portobello Park) Bill, into the Scottish Parliament on or around 22 April 2013.

The purpose of the Bill is to reclassify Portobello Park as alienable common good land for the purposes of Part VI of the Local Government (Scotland) Act 1973, but only insofar as permitting the appropriation of the Park for the purposes of the Council's education authority functions. This would remove the existing legal obstacle to the Council using Portobello Park as the site for a new Portobello High School.

From the day after introduction, the Bill and its accompanying documents will be available on the Parliament's website ([www.scottish.parliament.uk](http://www.scottish.parliament.uk), go to 'Parliamentary Business', then 'Bills', then click on 'Current Bills'). In addition, copies of the Bill and its accompanying documents will be available for inspection at the following premises—

- The City Chambers, 253 High Street, Edinburgh EH1 1YJ
- Portobello Library, 14 Rosefield Avenue, Edinburgh EH15 1AU
- Piershill Library, 30 Piersfield Terrace, Edinburgh EH8 7BQ

Other documents that are relevant to the Bill (a plan showing the Park and the new Portobello High School, and the 1898 feu disposition that originally conveyed the land to the Council's predecessors) will also be available for inspection at the above premises.

All of the above documents will also be accessible on or via the Council website ([www.edinburgh.gov.uk/portobelloprivatebill](http://www.edinburgh.gov.uk/portobelloprivatebill)). Copies may be obtained free of charge from the premises mentioned above.

Information about the Bill process, including how to lodge objections to the Bill, is also available on the Parliament's website or by contacting the Non-Government Bills Unit at the Scottish Parliament, Edinburgh EH99 1SP or at [private.bills@scottish.parliament.uk](mailto:private.bills@scottish.parliament.uk), or on 0131 348 5246.

Additional information about the Bill can be obtained at the above Council website address, or by writing to Portobello Park Private Bill Team, The City of Edinburgh Council, 1/2 Waverley Court, 4 East Market Street, Edinburgh EH8 8BG or [NewSchoolBuildings@edinburgh.gov.uk](mailto:NewSchoolBuildings@edinburgh.gov.uk).

## **ASSIGNATION OF COPYRIGHT/LICENSING AGREEMENT**

We, the City of Edinburgh Council, hereby assign to the Scottish Parliamentary Corporate Body copyright in the City of Edinburgh Council (Portobello Park) Bill, in the Explanatory Notes and any revised Explanatory Notes, the Promoter's Memorandum and the Promoter's Statement accompanying the Bill.

We, the City of Edinburgh Council, hereby license the Scottish Parliamentary Corporate Body to use or reproduce for the Parliament's purposes the documents accompanying the City of Edinburgh Council (Portobello Park) Bill, together with any other documents relevant to the Bill submitted to the Parliament on, or after, introduction.

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## **PROMOTER'S STATEMENT ON LEGISLATIVE COMPETENCE**

On 24 April 2013, Brodies LLP, on behalf of the City of Edinburgh Council, made the following statement:

“In our view, the provisions of the City of Edinburgh Council (Portobello Park) Bill would be within the legislative competence of the Scottish Parliament.”

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## **PRESIDING OFFICER'S STATEMENT ON LEGISLATIVE COMPETENCE**

On 25 April 2013, the Presiding Officer (Rt Hon Tricia Marwick MSP) made the following statement:

“In my view, the provisions of the City of Edinburgh Council (Portobello Park) Bill would be within the legislative competence of the Scottish Parliament.”

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# **CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL**

## **EXPLANATORY NOTES (AND OTHER ACCOMPANYING DOCUMENTS)**

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