

CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL

WRITTEN SUBMISSION FROM HELEN MULGRAY

My main objection to the general principle of the Bill is that this will **overturn a legal judgement by the High Court**. By passing it, MSPs will be declaring a judgement of the High Court null and void and stabbing a dagger through the heart of the Scottish Justice system.

My second objection is that if it becomes clear that a private bill is an easy way to ignore a legal judgement of the highest court in Scotland, it will be a **precedent** for any big business, or any Council to present their own private bill to forward their interests. Queuing up to present their own private bill will be developers intent on acquiring land to which up till now they have no legal right, and cash-strapped councils eager to accept the money of such developers. After the High Court judgement against them, Edinburgh Council spent vast sums of (taxpayers') money on legal advice to support their case to build the new school on Portobello Park. When the advice from their own and consultant lawyers was to 'proceed no further' as the Council do not have a legal case, it was then that the Council came up with the plan to get their way by means of a private bill.

In the same way, to prevent the enactment of the minimum pricing of alcohol legislation, the Scotch Whisky Society and foreign wine-growers may well try to present a private bill in the hope of overturning the will of the Scottish Parliament.

My third objection to the Bill is that the Council has delayed by several years the building of the school. If they had not been so determined to build the school on Portobello Park, **the urgently needed school could have been built years ago**. This private bill procedure will delay the build for yet *another* year. An alternative site has been available at Baileyfield for some years but has not been actively considered by the Council. Why?

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