



The Scottish Parliament
Pàrlamaid na h-Alba

The Hon. Lord Pentland
Chair
Scottish Law Commission

**Local Government and Communities
Committee**

T3.60

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Dear Hon. Lord Pentland,

Over a number of years the issue of modernising the statutory framework for common good property and funds has featured in the work of Scottish Parliament Committees. The Local Government and Communities Committee has sought written views and taken oral evidence on this issue, most recently hearing from a panel of stakeholders at our meeting on 20 December 2017. The work we have undertaken to date can be found on the Committee's web page here: <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/local-govt-committee.aspx>

At the [meeting on 20 December 2017](#) the Committee heard that whilst work is underway at the Scottish Government to provide for a register of common good other challenges remain. These challenges stem, in part, from the ancient patchwork of legislation and subsequent court rulings which have arisen in this area over time. It is fair to say that it is an area where legal expertise is particularly vital in understanding how those aspects work together. Work in this area is long overdue but we also recognise that as a Parliamentary Committee we could not do justice to this issue in the time we have available and given the specialist legal knowledge required to modernise legislation in this area.

In considering its next steps the Committee is cognisant of the recent consultation by the Scottish Law Commission on topics for inclusion in its Tenth Programme of Law Reform. We recognise that the closing date for submissions has closed and that your deliberations on your 10th programme may well be underway. However we would invite you to consider a late request from us to include consideration of modernising

the law in the area of common good property and funds as part of those deliberations.

Kind regards,

Bob Doris MSP,
Convener of the Local Government and Communities Committee