

JUSTICE AND HOME AFFAIRS COMMITTEE

SUPPLEMENTARY PAPERS FOR MEETING ON 11 SEPTEMBER 2000

Item 3 – Leasehold Casualties (Scotland) Bill

Letter from Ross Harper Solicitors relating to actions taken on behalf of villagers of Boghead, Lanarkshire JH/00/27/3

FOR INFORMATION – RECENTLY PUBLISHED PAPERS

- Crown Office and Procurator Fiscal Service – Annual Report 1999-2000
- Crown Office and Procurator Fiscal Service – Strategic Plan 2000-2003

Members should be able to obtain a copy of the above papers from Document Supply Centre in PHQ. These documents may be useful prior to the meeting on 27 September when it is intended to take evidence from the Lord Advocate and the Solicitor General for Scotland.

Sarah Aitcheson
8 September 2000

Managing Partner: Cameron S. Fyfe

Civil Department: Alan D. Susskind

Criminal Department: William Lavelle,
Liam O'Donnell

Criminal Law Consultant: Brian T.
Geraghty

Associates: Alan D. Philp, Mary-Jo
McKenna, Neil Wilson, Martine Bisiaux



**SOLICITORS, NOTARIES
& ESTATE AGENTS**
Ross Harper & Murphy

163 Ingram Street,
Glasgow. G1 1DW
Telephone: 0141-552 6343
Fax: 0141-552 8150

E Mail: ingramstreet@rossharper.com
DX 519242 Glasgow-12
Emergency No.: 0800 11 12 13

JH | 00 | 27 | 3

Your Ref:

Our Ref: CSF/SM

When phoning please ask for:

Lawyer- Mr Fyfe

Secretary- Civil Team

6 September, 2000

Mrs Alison E Taylor
The Scottish Parliament
Room 3.10
Committee Chambers
George IV Bridge
EDINBURGH EH99 1SP

Dear Mrs Taylor,

LEASEHOLD CASUALTIES (SCOTLAND) BILL

I thank you for your letter of 22nd August.

I acted for Mr Ian Grant and about another 40 other villagers in the village of Boghead in Lanarkshire who were all potentially affected by the law on Leasehold Casualties.

In that connection I thought the following points might be helpful:-

1. It does seem to me that Landlords who enforce payment of Leasehold Casualties are, in effect, getting something for nothing. It is principally for these reason that I consider they should be abolished.
2. For the same reason I cannot see any argument why a Landlord should be compensated for the loss of a payment for which he requires to do nothing in return.
3. The procedure for redeeming Casualties should be based on that used in the Long Leases (Scotland) Act 1954 along with any necessary modifications.

Glasgow: 163 Ingram Street 0141-552 6343. Alloa: 01259 219777. Bellshill: 01698 844856. Easterhouse: 0141-773 2136. East Kilbride: 01355 244321.
Govan: 0141 445 4384. Hamilton: 01698 429335. Pollok: 0141-881 0888. Rutherglen: 0141-647 9281. Shawlands: 0141-649 9511. Uddingston: 01698 814528.

HARPERMACLEOD
■ SOLICITORS ■

(Commercial Division of Ross Harper & Murphy), Ca'd'oro, 45 Gordon Street, Glasgow. G1 3PE. Tel.: 0141-221 8888

Alan D. Susskind is accredited as a Family Law Mediator by the Law Society of Scotland

A list of partners' names is available for inspection from any of the above offices.



4. I do not think abolition without payment of compensation would be in breach of the European Convention as the argument that such action is in the public interest and as a legitimate social objective seems unanswerable.
5. The need for reform is urgent and overpowering if for no other reason than that Tenants, against whom payments under the Leasehold Casualties are being enforced, are experiencing extreme anxiety and stress as many do not have the means to make payment. The stress is magnified by the inequity that the Landlord has not performed anything for this payment. I have experienced the trauma of such Tenants first hand.

I hope these brief comments are of some use.

Yours sincerely



CAMERON S FYFE