

Cabinet Secretary for Rural Affairs, Food and the Environment
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Rob Gibson MSP
Convener
Rural Affairs, Climate Change and Environment Committee
Scottish Parliament
Edinburgh
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Dear Rob

AGRICULTURAL HOLDINGS MEDIATION etc.

As requested in your letter of 22 October, I am writing to provide an update following last week's meeting between Senior Counsel for the Scottish Government and the Senior Counsel for the tenants who have raised Court proceedings against the Scottish Government.

The discussion was helpful in that the Counsel for the tenants indicated their clients willingness to work with the mediators (Core Solutions) to seek solutions to the current impasse. We now await confirmation from lawyers representing the landlords that they are also willing to participate. In the meantime, Scottish Government officials are discussing with Core Solutions the form that the mediation will take as a means of making progress.

It does, of course, remain difficult to find common ground on the principle of legal liability in the context of litigation that challenges the Remedial Order where the position of the Scottish Government is that the Order was within the competence of the Parliament. As you know, the Scottish Government has repudiated liability based on the case put to us although we have sought further information from the tenants about the foundation for their claims against the Government.

I have seen the recent letters to the Committee from Eddie Henderson and Angus McCall and have asked officials to consider the points made as a matter of urgency.

RICHARD LOCHHEAD

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