

25 March 2022

Dear Convener,

Thank you for your letter of 10 March, asking whether I consider that the draft timetable for the Scottish Law Commission's work in respect of the implementation of compulsory owners' associations in tenement properties could be shortened. This is one aspect of the broader work that the Scottish Government is undertaking in response to the Parliamentary Cross-Party Working Group's recommendations on Tenement Maintenance.

I should say at the outset that I was content to request that the SLC report by Spring 2026 at the time of referring the matter to them and I still fully support them reporting within that timeframe. I am also entirely content, and it seems only appropriate, to leave the timing of individual aspects of the project work to the SLC, not least bearing in mind their other, ongoing work.

The Committee may wish to note that the overall timescale for this project was arrived at following discussions between my officials and the SLC. As part of those discussions consideration was given to:

- what was a reasonable timescale for reporting bearing in mind the complexities of this matter;
- the minimum amount of time required to complete the steps in the SLC's normal working methodology for complex projects such as this, including, importantly, sufficient time for public consultation on any initial law reform proposals and whether, given all of that, there was any realistic prospect of a Bill based on the SLC's recommendations being introduced and passed by the end of the current Parliamentary session;
- the scope for the work to be accelerated if additional funding from the Scottish Government could be provided to the SLC. The SLC did not think that this would expedite matters, again, because of the minimum amount of time required for the steps in their normal working methodology to be followed, but also because of the time required to undertake the necessary, specialist research and the specific expertise that is required to fully consider the complex issues.

As I have indicated, work being carried out by the SLC is only one aspect of the overall Tenement Maintenance project; as such, progress on implementing other aspects of the recommendations is not necessarily contingent on completion and implementation of the SLC's recommendations.

In that regard both the Scottish Government and the SLC recognise the close link between the SLC's project and the Scottish Government's wider work to improve tenements and develop new standards for condition and net zero heating. To that end my officials will keep an open and regular dialogue with the project team at the SLC on the work that both organisations are undertaking in this important area.

Finally, as the SLC progresses the compulsory owners' association aspect of the work, it will publish a discussion paper on their website which will be publically available. That paper will generally indicate SLC's thinking and direction of travel and

allow stakeholders and anyone else with an interest a chance to provide input on the relevant policy and legal issues.

Shona Robison MSP