

PE1427/C

Petitioner Letter of 10 August 2012

RESPONSE TO THE LORD PRESIDENT ON PETITION 1427

Petition 1427 was based on legal opinion received from Scottish based lawyers and represents a view substantially different to that expressed by the Lord President. It would seem then that there are grounds for further discussion in those areas where there are contrary views expressed. The LLRA recognises that this will need to be conducted by those who have a complex understanding of Scottish law and consequently does not intend to offer any more comments other than to quote from The Scottish Ministers Response to the Scottish Civil Review:

‘The difficulty, of course, is that Scotland faces a period of unprecedented pressure on public finances, and it is clear that simply spending more money on a wider range of publicly funded services to improve access to justice is unaffordable and unsustainable. It will be necessary to prioritise, to co-ordinate expenditure more efficiently, and to be innovative in identifying opportunities to secure justice in new, cheaper ways.’

Petition 1427 represents the LLRA's attempt to be 'innovative in identifying opportunities to secure justice in new cheaper ways'.

R. Kirkwood
LLRA

RESPONSE TO THE SCOTTISH GOVERNMENT ON PETITION 1427

Mr Sandeman states that The Scottish Government is not currently of the view that the common law right of nuisance requires clarification. However, he does so without commenting on the issues raised in petition 1427.

Without addressing them it is not clear why The Scottish Government holds this view. The LLRA would appreciate a fuller response to our concerns.

R. Kirkwood
LLRA