Dear Clare

**National Galleries of Scotland Bill**

Thank you for your letter of 29th October regarding the National Galleries of Scotland Bill.

Your letter sets out three points on which the Committee would like further information. I have provided the Council's response to these below each of the questions.

1. The legal obstacle in the 1991 Act is the same as the one which led to the Playfair Project needing parliamentary approval in 2003. Can you clarify whether the Council have discussed the merits of amending the 1991 Act so that the prohibition on constructing buildings in Princes St Gardens should include an exception for museums and galleries rather than getting round the prohibition by removing the land from the Gardens.

   The legal team understand that this approach was not raised with the Council. However, we believe that this may set a dangerous precedent if we were to allow construction of Museums and Galleries within the Gardens as a whole.

2. The 2003 Act which enabled the construction of the Playfair Project adopted a different approach whereby the Act removed the land from Princess Street Gardens but did not also (as this Bill does) change the common good status of the land so as to allow it to be disposed of to the Trustees (this instead being achieved by a Court Order. Does the Council have a view as to why a similar approach was not adopted in this Bill?

   This approach provides a single approach by a single promoter, rather than a two stage approach from two different promoters. For those who may wish to object to the proposals there is a single clear procedure and a single promoter with whom to correspond.
3. Does the Council have a view on whether amending the 2003 Act, rather than drafting the new Bill as a free-standing piece of legislation, would have been an appropriate option?

The 2003 Act was designed to deal with an alternative proposal. To amend that piece of legislation may have been confusing for those who wished to participate in the process. In addition, the 2003 Act did not deal with the issue of common good and separate provisions would have had to be introduced on that issue.

Yours sincerely

Karen Stevenson
Senior Planning Officer