

Scottish Law Commission submission of 21 December 2022

PE1957/C: Home Reports – make surveyors more accountable

Thank you for your letter of 9 December inviting the Scottish Law Commission's views on the above petition. I note from the Official Report of the Committee's meeting on 7 December 2022 that this has been prompted by our current work on tenement law reform.

Our ongoing tenement law project is focused solely on changes to the law which are required to establish and regulate compulsory owners' associations in tenement buildings. Questions regarding the responsibilities and liabilities of surveyors are beyond the scope of the project (and of any of our other ongoing law reform projects). I am afraid therefore that we are unable to comment on the petition at hand.

You may wish to note that our compulsory owners' association project stems from the [Final Recommendations Report](#) of the Parliamentary Working Group on Maintenance of Tenement Scheme Property. This report contained three recommendations for tackling issues with disrepair in Scotland's tenements: (1) ensuring that tenements are subject to building condition inspections every five years, (2) establishing compulsory owners' associations in the form of a legal entity for every tenement building, and (3) establishing building reserve funds for tenement repair costs.

It may be that recommendation 1 in relation to building condition inspections has some relevance to this petition, but, as alluded to above, the substance of any such inspection requirement is not within the scope of our project. Implementation of that matter and of recommendation 3 (building reserve funds) is being considered by the Scottish Government.

I trust that this is of assistance.