Dear Mr Gibson

Agricultural Remedial Order

Post our last update and much appreciated direction given by the Rural Affairs Committee, notably with regard to the Stoddart family’s case there has been a significant number of meetings with senior Government officials and to his immense credit personal intervention by the Minister. This being notable because of the constraints and pressures on his own time. As at the close of business on Monday, 16th November 2015 despite meetings with the Government appointed Mediator along with representatives of the Government and the Colstoun Trust we still do not have a commitment to the Stoddart mediation or others.

The single stumbling block continues to be the question of Government liability. Despite the efforts of the Minister and his senior non-legal staff, and though appreciative of their efforts, they themselves are fundamentally undermined by the legal directorate’s input. Despite the very clear guidance notably in the Stoddart case, they refuse to accept any aspect in any capacity liability for those Tenants’ blighted by the Remedial Order.

The legal directorate’s actions notably in clear contradiction to the consultation process, report and evidential stage of the Parliamentary Committee and the subsequent direction issued by the Rural Affairs Committee is akin to a petulant child.

It is a point of dismay to discover from Mr Stoddart who actually attended the Salvesen -v- Riddell case at the Supreme Court to note that those prominent legal advisors continue to be the prominent legal voice at this time in the objection to the compensation principle for the affected tenanted families.

The families have absolutely no alternative and this is their last resort despite it never supposedly being intended. They may now face lengthy litigation it would appear. The Scottish Government lawyers given their clear standpoint intend through a series of actions to necessitate that the Tenants will have to find themselves back in London at the Supreme Court seeking the application of fairness and justice as was intended through this process. I think that is a shameful position for the Tenant families to find themselves in.

I have been asked however on behalf of each family to extend an invitation either individually or collectively to the Rural Affairs Committee to meet with them so that members can see first-hand the stress, the strain and the anxiety that this uncertainty is causing for these families. They are however equally grateful for the continued support of the Rural Affairs Committee in their endeavours to champion their plight.

Kind regards.

Yours sincerely

E C HENDERSON