27 September 2018

Dear James

At my appearance at Committee on the 5 September, there were two points on which I gave the then Convener, Bob Doris MSP, my assurance that I would follow up and report back to Committee. These were:

i. If the Scottish Government is giving consideration to bringing back mandatory clerks of works for large-scale and complex projects; and

ii. The issue around the introduction of standardised missives.

Regarding clerks of works, I can inform you that the Government issued interim guidance in July 2017 relating to site inspection and assurance on behalf of public sector clients (Scottish Procurement Construction Policy Note CPN 1/2017 - www.gov.scot/Resource/0052/00522720.pdf). This was prepared following the publication of the Report of the Independent Inquiry into the Construction of Edinburgh Schools and made clear that contracting authorities engaged in construction must make sure that they implement appropriate site inspection and assurance processes.

My officials will, of course, keep a close eye on how this guidance is being implemented and, if necessary, will consider other options to ensure that public sector clients undertake an appropriate level of site inspection for their construction projects.

You will also be aware that the Scottish Government has been consulting on the recommendations of the two building standards review panels on fire safety and compliance and enforcement. The consultation sought views on a range of issues to help strengthen our building standards, particularly around higher risk projects. A new ‘compliance plan’ approach will place additional emphasis on inspections of high-rise and complex buildings, ensuring quality and safety are at the heart of construction. The consultation closed on the 26 September 2018 and we await the outcome of that process.
On the issue of standardised missives, I refer Committee members to my letter dated the 15 December 2017 providing the Scottish Government’s response to the local Government and Communities Committee Report – Building Regulations and Fire Safety in Scotland (www.parliament.scot/S5_Local_Gov/Inquiries/20171219_BR_MinLGHToConvener_ScotGovResponse.pdf). For ease, I have copied the section in question below:

In terms of standard missives these are approved by the Law Society of Scotland not Scottish Ministers. The Scottish Standard Clauses (Edition 1), designed to represent a Scotland-wide approach to standard clauses for use in residential conveyancing transactions, came into effect on 5 January 2015 and were replaced by Edition 2 which came into effect on 3 May 2016.

These Scottish Standard Clauses aim to lend greater certainty and efficiency in concluding missives than that afforded by the regime of regional standard missives.


Standardised missives are already in use for sale and purchase of residential properties. If, however, there is further detail on this matter that you wish to raise, I will be happy to consider it.

I hope this answers any outstanding issues from Committee but please do let me know if any further information is required.

KEVIN STEWART