

This document relates to the Pow of Inchaffray Drainage Commission (Scotland) Bill (SP Bill 9) as introduced in the Scottish Parliament on 17 March 2017

Pow of Inchaffray Drainage Commission (Scotland) Bill

Promoter's statement

Introduction

1. As required under Rule 9A.2.3(d) of the Scottish Parliament's Standing Orders, this Promoter's Statement has been prepared by Anderson Strathern LLP, on behalf of the promoter, The Pow of Inchaffray Commissioners. It is published by the Parliament to accompany the Pow of Inchaffray Drainage Commission (Scotland) Bill introduced in the Parliament on 17 March 2017.

2. The following other accompanying documents are published separately by the Parliament:

- statements on legislative competence by the Presiding Officer and the promoter (SP Bill 9–LC);
- Explanatory Notes (SP Bill 9–EN);
- a Promoter's Memorandum (SP Bill 9–PM).

Notification to persons with interest in heritable property

3. This part of the Statement is provided under Rule 9A.2.3(d)(i) of the Parliament's Standing Orders. That Rule applies because the Bill contains provision which affects heritable property.

4. No heritable property will be acquired compulsorily as a result of the Bill.

This document relates to the Pow of Inchaffray Drainage Commission (Scotland) Bill (SP Bill 9) as introduced in the Scottish Parliament on 17 March 2017

5. The persons having an interest in heritable property that may be affected by the Bill consist of (1) persons (“the heritors”) who are owners of land which is benefited by the drainage of the Pow of Inchaffray (“benefited land”); (2) owners of land that is not benefited land, but is land within six metres of the top of a bank of any part of the Pow (“affected land”); and (3) occupiers and lessees of benefited and affected land. Each heritor (but not an owner of affected land) must pay an annual assessment charge determined by the Pow of Inchaffray Drainage Commission (“the Commission”) in accordance with the terms of the Bill. The annual assessment payable by a heritor is the rate poundage for the assessment year multiplied by the chargeable value of the heritor’s land. The Bill makes provision for the Commission to take access over heritors’ land and affected land for the purposes of its functions under the Bill, subject to certain conditions, including that the Commission make good, or compensate for, any resulting damage. The Bill proposes that any person, other than a local authority, must not do anything that may obstruct the Pow or limit or restrict access without first obtaining the consent of the Commission. Consent of the Commission must also be obtained before discharging any thing into, or abstracting water from, the Pow. If a person carries out such activity without consent, the Commission may require that the contravention be remedied and the person reimburses the Commission for any costs incurred by the Commission as a consequence.

6. Notice of the intention to introduce a Bill was given by means of a notification sent to each of the addresses of properties within the benefited land and affected land by first class Recorded Delivery post on 23 February 2017. Where the Royal Mail website showed notifications as undelivered, requests for redelivery were made electronically. The Royal Mail website was checked again and in those cases where notifications continued to show as undelivered, duplicate notification letters were sent out by first class post. Duplicate notification letters were also hand delivered to these properties by a Commissioner in two batches on 3 March 2017 and 13 March 2017. A signed acknowledgement of delivery was obtained from the recipient where possible. Where that was not possible the Commissioner left the letter containing the notification at the premises and has provided written confirmation of delivery.

7. The methodology for identifying the heritors; owners of affected land; and occupiers and lessees of the buildings and/or land within the benefited or affected land, was to identify all properties located (a) on the benefited

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land as defined in the Bill and (b) immediately adjacent to the Pow and therefore included within the affected land, as follows:

- (1) Land Register of Scotland searches carried out through Registers Direct maintained by Registers of Scotland to establish the names of the registered proprietors of all properties;
- (2) General Register of Sasines searches for the County of Perth based on property name and address carried out through Registers Direct maintained by Registers of Scotland on the basis of the Commissioners' listing of (a) heritors and (b) owners of affected land;
- (3) Examination of proprietorship sections of Title Sheets for properties registered in the Land Register of Scotland;
- (4) Examination of search sheets for properties title to which is recorded in the General Register of Sasines;
- (5) The Commissioners made enquiry by letters sent by Recorded Delivery to all heritors and proprietors within the benefited land and affected land in three batches on 6, 9 and 20 January 2017. These letters sought for confirmation of current ownership of the property and whether the property or any part of it was let or otherwise occupied. The letters also sought confirmation of the position regarding standard securities over the property;
- (6) For the purposes of identifying any occupiers without a registered or recorded right within the benefited land and affected land, research was carried out of the Valuation Roll, available through the Scottish Assessors Association website, for any properties within the benefited and affected land to identify any occupants based on rateable value within the Valuation Roll;
- (7) The Commissioners' records of those that required to be notified of the Bill were updated to reflect the responses to their enquiries and the results of the research.

8. The serving Commissioners prepared a plan of the benefited land and identified all properties which benefit from the Pow as well as those located on the affected land. All heritable properties lying within the benefited land and affected land received notification of the proposed Bill. The notifications were addressed to the owner of each identified property, and requested that, if the recipient was not the owner, the notification be

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brought to the owner's attention promptly. Notifications were also sent to the occupiers, lessees and standard security holders identified through the Commissioners enquiries. The Commission held meetings with heritors to discuss the promotion of the Bill at Gask Village Hall on 2 March 2015 and 11 May 2015. A consultation document was sent to heritors by first class post on 18 May 2016 and a public meeting, to which all heritors were invited and which was advertised in the Courier and Advertiser newspaper, was held at Gask Village Hall on 17 June 2016.

9. This methodology ensured that as far as possible, following reasonable inquiry, all persons with an interest in heritable property affected by the Bill were notified.

Notification to and consent from MEMBERS etc.

10. This part of the Statement is provided under Rule 9A.2.3(d)(ii) of the Parliament's Standing Orders. That Rule applies to the Bill because the promoter is an unincorporated association of persons in the form of the serving Commissioners appointed under the terms of the Pow of Inchaffray Drainage Act 1846.

11. The Commissioners have been fully involved in the development of the Bill and have met regularly to discuss its progress. The Commissioners were provided with copies of the draft Bill and accompanying documents via email and hard copy on 13 February 2017, together with a draft resolution to promote legislation by way of a Private Bill to repeal and update the provision of the Pow of Inchaffray Drainage Act 1846. By way of a response dated 22 February 2017 and a meeting on 13 March 2017 the Commissioners unanimously provided their consent to the following resolution: — "We, the current Commissioners acting under the Pow of Inchaffray Drainage Act 1846, formally resolve to promote legislation by way of a Private Bill to update and improve the scheme for maintenance and repair of the Pow of Inchaffray and its attendant costs".

Notification to and consent from body affected

12. This part of the Statement is provided under Rule 9A.2.3(d)(iii) of the Parliament's Standing Orders. The Bill does not contain any provisions conferring powers upon or modifying the constitution of any body corporate or unincorporated association named in the Bill but not being the Promoter.

This document relates to the Pow of Inchaffray Drainage Commission (Scotland) Bill (SP Bill 9) as introduced in the Scottish Parliament on 17 March 2017

Accordingly Rule 9A.2.3(d)(iii) of the Parliament’s Standing Orders does not apply.

Advertisement of intention to introduce the bill

13. Notice of the intention to introduce the Bill was published in the *Courier and Advertiser* on 1 March 2017 and the *Perthshire Advertiser* on 3 March 2017.

14. A notice containing the information in the newspaper notice has been displayed from 2 March 2017 in the libraries detailed below, all being public libraries open to the public within the area close to the Pow—

Innerpeffray Library	Innerpeffray, Crieff, PH7 3RF
Auchertarder Library	Chapel Wynd, Auchterarder, PH3 1BL
A K Bell Library	York Place, Perth, PH2 8EP

Inspection and purchase of documents

15. The Bill and accompanying documents, and other documents that the Promoter considers to be relevant to the Bill (being the land plans referred in the Bill and The Pow of Inchaffray Drainage Act 1846), may be inspected during office hours at: McCash & Hunter LLP, 25 South Methven Street, Perth PH1 5PE. The other documents relevant to the Bill mentioned in this paragraph may also be purchased from the above address. Purchase enquiries should be made by post to the above address or by email to admin@mccash.co.uk.

16. The Bill and accompanying documents are also available on the Scottish Parliament website (www.parliament.scot, go to Parliamentary Business, then Bills, then click on Current Bills).

17. On 13 March 2017, the following statement was made:

“We, the current Commissioners acting under the Pow of Inchaffray Drainage Act 1846, hereby undertake to send copies of any documents that are relevant to the Pow of Inchaffray Drainage Commission (Scotland) Bill but are not accompanying documents, to the premises to which the Bill and accompanying documents are to be sent by the Clerk under Rule 9A.4.2”.

This document relates to the Pow of Inchaffray Drainage Commission (Scotland) Bill (SP Bill 9) as introduced in the Scottish Parliament on 17 March 2017

Undertaking to pay costs

18. On 13 March 2017, the following statement was made:

“We, the current Commissioners acting under the Pow of Inchaffray Drainage Act 1846, hereby undertake to pay any costs that may be incurred by the Scottish Parliamentary Corporate Body during the passage of the Pow of Inchaffray Drainage Commission (Scotland) Bill in respect of the matters determined by that Body under Rule 9A.2.3(d)(vi) of the Parliament’s Standing Orders”.

Assignment of copyright

19. On 13 March 2017, the following statement was made:

“We, the current Commissioners acting under the Pow of Inchaffray Drainage Act 1846, hereby assign to the Scottish Parliamentary Corporate Body copyright in the promoter’s statement on legislative competence, the Explanatory Notes, the Promoter’s Memorandum and the Promoter’s Statement accompanying the Pow of Inchaffray Drainage Commission (Scotland) Bill”.

Licensing agreement

20. On 13 March 2017, the following statement was made:

“We, the current Commissioners acting under the Pow of Inchaffray Drainage Act 1846, hereby license the Scottish Parliamentary Corporate Body to use or reproduce as may be required for the Parliament’s purposes any document which is relevant to the Pow of Inchaffray Drainage Commission (Scotland) Bill but is not an accompanying document and which is submitted by the promoter to the Clerk on introduction or subsequently”.

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