

FEBRUARY 2026 NEWSLETTER

Table of Contents

1. Garden Maintenance
2. 2026 Initiatives
3. Leylandii Trees
4. Legal Matters
5. Appointment of Solicitor
6. Recommendations
7. Important – Annual Assessment Fee
8. Summation

This Note contains important information for all proprietors to consider

1. Garden Maintenance

Congratulations to all who participated on Sunday 1 February, which is a continuation of a policy agreed by the Official Garden Committee with the gardener, Richard Le Sueur of Blackhall Gardens Services. Richard Le Sueur provided a walk round on 16 September and indicated the tasks he felt could be carried out through community gardening maintenance and it is encouraging to see such events being supported.

2. 2026 Initiatives

In addition to the normal management and maintenance of the lawns and shrubs, the Official Garden Committee has strong support from Richard Le Sueur for a number of costed initiatives he intends to undertake in the coming year, including:

- applying sand to improve the lawn;
- new timber edging boards for the paths; and
- gravel top up for the paths.

We are in the process of obtaining quotes from Heartwood, our tree surgeons, for completion of the remaining recommendations, made by Adam Riedi, our Arboricultural Consultant, in his recent tree report, which were unable to be completed on 4 & 5 December last year. Adam Riedi is independent and a consultant for the National Trust for Scotland, and does not offer any tree surgeon services, therefore there should be no potential conflict of interest as opposed to a tree surgeons report.

I hope the above along with my previous update, now on our website, detailing the work carried out in 2025, shows that we continue to fulfill our mandate of managing and maintaining the shared garden with the co-operation of our professional contractors.

3. Leylandii Trees

Heartwood and other competing tree surgeons are currently preparing quotes for the options proposed by Adam Riedi to deal with concerns regarding the size and prominence of the three Leylandii trees. Two possible approaches are:

- outright felling and replacement with other more suitable species of tree; or
- trimming to reduce the height and spread, this exercise would be required to be repeated every few years.

Once quotes have been obtained, the Official Garden Committee will put these options to a vote of proprietors.

4. Legal Matters

It is with regret that proprietors are being caught in the controversy over the defence of the legitimacy of the Official Garden Committee. It is hoped that this Note offers understanding and a route to proceed in an appropriate and lawful manner.

The last proper General Meeting was called by the Official Garden Committee and held on 4 June 2025. At this meeting it was agreed that the Committee, in conjunction with appropriate legal advice, would draft a Constitution incorporating a mechanism whereby Committee Members were generally elected rather than co-opted.

Despite this agreement a group of individuals (which included three members of the then Gardens Committee) formed the Constitutional Working Group (CWG), which had no legal basis or authority to draft a Constitution. This group, met without the Committee's knowledge, which it could be argued breached their fiduciary duty to the Committee.

Unfortunately, the actions of the CWG led to the production of a draft Constitution that was not legally acceptable. For clarity, the defective constitution was not drafted by independent Scottish Solicitors nor was it checked by such. Although a number of proprietors highlighted significant concerns where the proposed Constitution was in conflict with the terms of the 1870 Feu Charter, the CWG continued with a Poll, along with a false narrative and omission of resultant consequences.

To further exacerbate the situation, the CWG proceeded with an unauthorised meeting on 16 December at which they proposed to dissolve the existing Garden Committee and elect a new Garden Committee. This meeting was not a properly called Extraordinary General Meeting (EGM) and therefore has no proper constitutional standing whatsoever. The Standing Orders is a document that outlines the rules and procedures for the Committee's meetings and business, designed to ensure the Committee operates efficiently and effectively. It cannot be used by a self-appointed group of individuals to dissolve a legally functioning Committee.

Any decisions reached at this meeting, attended by a relatively small number of proprietors (less than 25% voted), has no legal effect in relation to the Association of Proprietors or the management of the Garden by the Committee.

To take forward any constitutional aspects of the Association of the Proprietors, and for any vote to be lawful, the following needs to be fulfilled:

- the meeting has to be lawfully called by the Secretary in accordance with the Standing Orders; and
- a majority of not less than 57 properties would be required.

5. Appointment of Solicitor

To ensure the Official Garden Committee meets their fiduciary duties and legal obligations to maintain proprietors' property interests, and in view of the World Heritage status of the Garden, we have had no choice but to take professional advice from Scottish qualified lawyers.

This advice was sent on 14 January 2026 by e-mail to the individuals illegitimately appointed at the meeting on 16 December. The letter clearly states that the persons purporting to be the new Gardens Committee have no legal authority to manage the Garden. This position has been accepted by our bankers, suppliers and contractors.

6. Recommendation

The position in which we find ourselves needs to be dealt with sensibly, we recommend the following:

- the unauthorised committee ceases communicating with proprietors forthwith;
- the Official Garden Committee will draft a constitution, in conjunction with a suitably qualified lawyer;
- once appointed, lawyers will be asked to advise on what is the best constitutional structure for the maintenance of our unique gardens which takes into account:
 - the obligations, burdens and rights of our title deeds;
 - the unique nature of our gardens;
 - appropriate duties and obligations of the Committee;
 - minimum voting numbers;
 - appointment and election of Committee members;
 - conduct of meetings;
 - a mechanism to resolve disputes among proprietors quickly; and,
 - such other matters so that the constitution is totally fit for purpose in the 21st Century;
- when the constitution is adopted formally and properly, elections to the Committee will be held with full details of all candidates being circulated among proprietors and a formal vote taken; and,
- the New Elected Committee will be mandated to manage the gardens in accordance with the constitution.

In our opinion, this is the most sensible road map for all proprietors to follow which will address everything properly, legally and without anyone resorting to tactics which undermine the legitimacy of the Official Garden Committee.

We will take immediate steps to implement our recommendations.

7. Important – Annual Assessment Fee

As there's no constitutional legitimacy to the purported appointment of the new committee, please do not pay them any funds, as annual fees will still be legally due to the legitimate Official Garden Committee.

8. Summation

The Official Garden Committee wishes to reiterate its thanks to those participating in the continued series of community gardening events which started so well last year. We are delighted to be joined by enthusiastic volunteers in the care of our mutual gardens.

The Official Garden Committee also wishes to stress that regular social events are not, and never can be, part of its remit. Funds raised for assessments are solely for the purpose of garden maintenance and management.