



Queen's & Lord Treasurer's Remembrancer

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Your ref:

Our ref: BV/868/08

Date: 25/09/2012

Dear

**OWNERSHIP UNDETERMINED  
DISPOSAL BY QLTR TO RENFREWSHIRE COUNCIL  
SUBJECTS: LAND AT HARVEY SQUARE, LOCHWINNOCH**

Thank you for your request dated 31 August 2012 under the Freedom of Information (Scotland) Act 2002 (FOISA). However, insofar as your request is for documents our position remains as stated in the second and third paragraphs of my letter of 21 August 2012 and I refer you to their terms.

With respect to your request for details of the grounds considered by QLTR in respect of the decision to "gift" the land to Renfrewshire Council, it should in the first instance be noted that the Crown is not obliged to deal with any property (brought to its attention as having fallen to it) in any particular way or, indeed, at all and accordingly is at liberty to deal with it howsoever it chooses. In the case of the present subjects, I would advise that the QLTR did not gift the land but rather disposed of it at a price of £50. The disposal was, however, subject to a clawback arrangement to allow the Crown to benefit in the event of the ground being sold on in whole or in part or becoming suitable for development during the period of 10 years following the disposal of the land to the Council. The decision to dispose on that basis was in response to representations by the Council that the ground, which includes the site of a War Memorial, had been maintained by it for many years on an assumption, which had proved erroneous, that it owned the land; that it was the intention of the Council to retain the area as a public square, including site of War Memorial, for the benefit of the inhabitants of Lochwinnoch and that it wished to prevent any alternative use being made of the area by third parties.

If you are dissatisfied with the way in which your request has been handled, you do have the right to ask us to review it. Your request should be made within 40 working days of receipt of this letter and we will reply within 20 working days of receipt. If you require a review of our decision to be carried out, please write to The QLTR, Unit 5, 14a



South St Andrew Street, Edinburgh EH2 2AZ, or for requests sent by e-mail to [coqltr@copfs.gsi.gov.uk](mailto:coqltr@copfs.gsi.gov.uk).

The review will be undertaken by staff not involved in the original decision making process.

If our decision is unchanged following a review and you remain dissatisfied with this, there is a right of appeal to the Scottish Information Commissioner under section 47(1) of FOISA.

Should you subsequently wish to appeal against the Commissioner's decision on such an appeal, there is a right of appeal to the Court of Session on a point of law only.