



## Queen's & Lord Treasurer's Remembrancer

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<http://www qltr.gov.uk>

Your ref: R

Our ref: BV/868/08

Date: 7 January 2013

Dear Sirs

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

Thank you for your request dated 17 December 2012 under the Freedom of Information (Scotland) Act 2002 (FOISA) for, firstly, an explanation as to why in 2001 your client's request for a conveyance of these subjects was declined by the QLTR in 2001 and the subjects later sold to Renfrewshire Council by the QLTR for £50 and, secondly, for all correspondence passing between the QLTR and Renfrewshire Council relative to these subjects, prior to the appointment by the QLTR of Messrs McLean & Stewart.

In relation to the first part of your request, I note from the file dating back to 2000/2001 that the reason for the QLTR not being willing to be involved in the grant of any conveyance was due to it appearing, from the terms of a letter of 8 December 2000 from Registers of Scotland to your client (a copy of which was provided to us by Turner McFarlane Green), that there were identifiable possible owners which meant that, in the absence of contrary evidence, the Crown had no apparent locus to be involved. No further evidence was subsequently presented to us by or on behalf of your client.

When the subjects were sold in 2008 to Renfrewshire Council, it was following production to us of evidence of extensive title searches carried out by and on behalf of the Council which indicated that there was no identifiable owner and that it was appropriate for the Crown to deal with the subjects if the Crown so chose. 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 it is at liberty to deal with it howsoever it chooses.

Turning to the second part of your request, this read on its own is a general request for documents. However, it is possible (given the terms of the first part of your request)

that was not what you intended by the second part of your request and so, in view of what follows, it would be helpful if you would provide clarification.

As you may be aware, the Court of Session judgment – Glasgow City Council and Dundee City Council v Scottish Information Commissioner [2009] CSIH 73 (issued on 30 September 2009) – clarified that FOISA gives a right to information, not documents, and that information requests must identify the information sought. A request is not valid if it does not, in accordance with section 8(1)(c) of FOISA, describe the information requested. As the second part of your request is a general request for documents, etc which does not reasonably clearly identify the particular information you are looking for, we do not to that extent consider it to be a valid request in line with the Court of Session decision. Accordingly, we are not obliged to respond to it.

However, if you wish to rephrase your request to clearly describe the information you are looking for, rather than simply for documents, we would be able to consider your request and respond in accordance with FOISA. If you need any further advice and assistance to rephrase your request, please contact me. Before doing so, you may wish to consider the terms of correspondence in August and September of 2012 passing between Shabana Beg of your firm and this office in relation to a Freedom of Information request by her in relation to the same matter, which your office should have on file and the terms of the latest letter from us in which are in the public domain (see [www.qltr.gov.uk](http://www.qltr.gov.uk) and follow the link to FOI Requests and Responses).

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.