

From: [KLTR Policy](#)
To: [REDACTED]
Subject: RE: Freedom of Information Request
Date: 11 April 2023 10:55:00

Dear [REDACTED]

Thank you for your further email of 22 March. I respond to your latest questions together here.

Whilst we have considered your proposal, we are not presently considering introducing a monetary incentive (i.e. a “finder’s fee”) in exchange for revealing the existence of possible bona vacantia to the KLTR. The KLTR would not, therefore, be willing to enter into a contractual undertaking of the nature you describe.

In our field of work we find that properties are often reported to the KLTR by persons who are interested in acquiring them through KLTR’s operational work, or by those who otherwise wish to see an ownerless or abandoned property brought back into productive use, which is a central theme to a range of Scottish Government policies.

Kind regards

Susan Macdonald

Senior Policy Adviser

KLTR

www.kltr.gov.uk



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[Privacy Statement | KLTR](#)

From: [REDACTED] <[REDACTED]>
Sent: 22 March 2023 14:07
To: KLTR Policy <[REDACTED]>
Subject: Re: Freedom of Information Request

Dear Ms Macdoanld

Many thanks for your email of 7th March 2023.

I think we are in a catch 22 situation here.

My client has identified assets which may be of potential interest to the KLTR. He would only consider pursuing the matter if he is given a guarantee that if these assets are of interest to the

KLTR, then he would be guaranteed an appropriate level of return for having identified them and carried out the research regarding their ownership status, etc. He does not wish to waste his time and money by doing all this for the KLTR for you then to assume ownership and control of the assets, with no recompense to him for his efforts.

Therefore my question to you is how do we resolve this situation?

For example, in principle would the KLTR be prepared to provide a legal undertaking that if you take control/ownership of them and then sell them to a third party my client would receive an agreed percentage of the sale price?

If your answer to that question is negative, then please explain to me why my client should bother to identify these assets to you in the first place?

I look forward to your response to these questions

In appreciation

██████████

On Tue, Mar 7, 2023 at 10:52 AM KLTR Policy <██████████> wrote:

Dear ██████████,

Thank you for your e-mail.

At this stage, with no knowledge of the subjects your client has identified, it is not possible for us to provide any insights on how the KLTR office may treat this matter. Each case is considered on its own facts and circumstances and we therefore are unable to consider or discuss enquiries made on a generic basis.

When we (KLTR Office) are approached about land which is believed to be bona vacantia, we require details of the exact location and extent of the land and evidence of the title position of the property. We do not carry out a title investigation service and are unable to offer legal advice to approaching parties. We strongly recommend approaching parties seek independent legal advice.

Details of the information our casework team require in the first instance is contained in the email to you of 16 February from our Stuart Thomson: This can also be found in our published Policy BV5 (available on our website - <https://www.kltr.gov.uk/about/our-policies/#bv5-heritable-property>).

Only once we have been provided with this information will our Casework team be able to elaborate on what else we would require and how the KLTR may deal with any Crown interest in the land your client has identified.

With regards to meeting with Mr Logue, you will appreciate that it is not possible for the KLTR to meet with all correspondents personally. If your client provides the information required, we can consider if a meeting is required with our Casework team. Please be aware at this

stage that any meetings with approaching parties usually take place via an online platform or by telephone. It is not usual practice for the casework team to hold face to face meetings in these circumstances but, of course, this will be given consideration based on the information provided.

I trust this is of assistance and look forward to hearing from you in due course with the requested information to allow us to consider your client's matter.

Kind regards,

Susan Macdonald

Senior Policy Adviser

KLTR

www.kltr.gov.uk

Mobile:- [REDACTED]



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uses. Visit www.copfs.gov.uk for details of the work of the Department.

From: [REDACTED]
To: [KLTR Policy](#)
Subject: Re: Freedom of Information Request
Date: 22 March 2023 14:06:53

Dear Ms Macdoanld

Many thanks for your email of 7th March 2023.

I think we are in a catch 22 situation here.

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In appreciation

[REDACTED]

On Tue, Mar 7, 2023 at 10:52 AM KLTR Policy [REDACTED] > wrote:

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Details of the information our casework team require in the first instance is contained in the email to you of 16 February from our Stuart Thomson: This can also be found in our published Policy BV5 (available on our website - <https://www.kltr.gov.uk/about/our-policies/#bv5-heritable-property>).

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Kind regards,

Susan Macdonald

Senior Policy Adviser

KLTR

www.kltr.gov.uk

Mobile:- [REDACTED]



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From: [REDACTED]
To: [Stuart Thomson](#)
Subject: Freedom of Information Request
Date: 17 February 2023 14:54:39

Dear Stuart

Many thanks for your comprehensive response which is much appreciated.

I would like to request a discussion with the Head of the KLTR regarding my client's interest in these matters.

Can you please advise who is the most senior person in the KLTR, including name as well as telephone and email contact details?

Can you also please advise if there is a management board or similar body which makes the policy decisions relating to the KLTR, including a list of the membership of this body?

Can you also please advise if it is this body or another person or persons who has the ultimate power to make both policy and operational decisions regarding the remit and work of the KLTR?

Meantime in appreciation

Yours sincerely

[REDACTED]

On 16 Feb 2023, at 14:31, Stuart Thomson [REDACTED] wrote:

Dear [REDACTED]

Thank you for your email of 9 February which I've now had the opportunity to consider.

My answers to your questions are in blue text below:

1. Q: Could my client have the right of "first refusal" on such a property or would it have to go to tender?

A: No, we cannot give any promises in the abstract. Any decision making by KLTR will depend on the facts and circumstances of the case, and at this time, we've not yet been provided with any of the details we require in order to properly consider this matter. At this stage the Crown's position is reserved. For your reference, I've

outlined below the KLTR's process and policy when dealing with bona vacantia property.

2. Q: How would the market value of the property be determined?

A: KLTR would instruct either the District Valuer or our external property surveyor supplier to prepare a valuation report.

3. Q: If the property goes out to tender would my client receive a "finders fee" from the KTLR?

A: No.

If we are approached about subjects which are believed to be bona vacantia we require details of the exact location and extent of the subjects, evidence of the dissolved status of the company who last owned the subjects and titles to be provided to us – we do not carry out a title investigation service and are unable to offer legal advice to approaching parties.

Much of the information we require is contained in our published Policy BV5 (available on our website [Our policies | KLTR](#)). In addition to the items referred in this policy it would also be useful if you could provide us with the following:-

- a) details of the company's registration number and evidence of the company's dissolution;
- b) a Legal Report in relation to the area of land;
- c) a suitable and clear plan showing only the extent of the area of land;
- d) a Level 3 Plans Report;
- e) a search report in the Registers of Community Interests in Land;
- f) a description of:

1. what the area of land currently comprises (i.e. residential property);

2. how large the area of land is;

3. what the area of land is used for and by whom;

4. how the area of land is maintained (if at all), and by whom;

5. whether the area of land is used

as an access point to individuals' properties; and

<!--[if !supportLists]-->6. <!--[endif]-->whether the area of land forms amenity/common ground of a residential development;

g) Details of your client's interest in the land (i.e. what he is proposing to do with this property);

It is possible that we may have further queries following receipt of the above items. We may need to instruct external solicitors to review the titles and other documents you have sent on in order to take advice on what to do with any bona vacantia interest. Your client would likely be required to cover the KLTR's legal costs for this review.

Where it appears from the information provided that the subjects are bona vacantia, we will consider what the KLTR may do about the Crown's interest. Without prejudice to the other courses of action open to KLTR, we may consider disposing the Crown's interest to an interested party. In that event our usual practice is to have the property inspected, valued and sold for assessed value. If we confirm bona vacantia interest here and agree to dispose this interest to your client then your client would be required to meet the costs of the valuation and related property advice.

If a sale did follow, your client would need to satisfy themselves on any title which might be granted and this would be reflected in the sale terms. We would instruct external solicitors to deal with conveyancing aspects and provide KLTR with legal advice in connection with any sale. Your client would be required to meet the KLTR's legal costs and outlays incurred in connection with any sale that may follow.

We will also consider if alternative measures appear to be appropriate to deal with the Crown's interest. For example, if it appeared to us that ownership of the subjects may be a matter of wider public interest then the KLTR may bring that to the attention of the relevant authorities (e.g. the local Council).

Please note that the KLTR is not compelled to claim and deal with property even where a genuine bona vacantia interest is established. The KLTR may instead waive/disclaim the Crown's interest to the property where he considers that to be more appropriate. At this stage the Crown's position is reserved and all options open to the Crown are still on the table.

I hope this email has been of assistance and look forward to hearing from you once you have had a chance to consider further.

Best regards

Stuart Thomson | Senior Casework Manager | KLTR

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King's and Lord
Treasurer's Remembrancer



From: [REDACTED] >

Sent: 09 February 2023 11:53

To: Stuart Thomson <[REDACTED]>

Subject: Re: BV/1985/22 - Request

Dear Stuart

Many thanks for your email.

My client would like to know what his rights are once he advises the KTLR of any property which he thinks you may be interested in securing, per the criteria you describe in your email.

Specifically, could my client have the right of "first refusal" on such a property or would it have to go to tender?

How would the market value of the property be determined?

If the property goes out to tender would my client receive a "finders fee" from the KTLR? If so, how would this fee be calculated?

I would much appreciate it if you could advise accordingly and if it would be possible to discuss these issues on the phone with you, so that I can ask any supplementary questions?

Meantime I look forward to hearing from you

Yours sincerely

[REDACTED]

On Wed, Feb 8, 2023 at 2:40 PM Stuart Thomson [REDACTED] <[REDACTED]> wrote:

Dear [REDACTED]

I'm contacting you from the office of the King's and Lord Treasurer's Remembrancer (KLTR).

My colleague Elaine Pearce has sent me your email enquiry of 1 February.

The KLTR is the Crown's agent in Scotland that is able to deal with bona vacantia (essentially, ownerless property). Property typically falls to the Crown if it was last owned by a now dissolved company and occasionally where there is no traceable title (although this is rare).

Where we are approached about land which is believed to be bona vacantia we require details of the exact location and extent of the land, evidence of the dissolved status of the company (who last owned the land) and confirmation that the dissolved company was the last party to take title to this land. Much of the information we require is outlined in our published Policy BV5 (available on our website - <https://www.kltr.gov.uk/about/our-policies/#bv5-heritable-property>). Once we've been provided with this information, we can elaborate further on what else we would require and how the KLTR may deal with any Crown interest in the land your client has identified.

I hope this email has been of assistance and look forward to hearing from you once you have had a chance to consider further.

Best regards

Stuart Thomson | Senior Casework Manager | KLTR

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From: [Elaine Pearce](#)
To: [CO KLTR](#)
Subject: FW: Request
Date: 01 February 2023 16:25:17

Elaine Pearce|Senior Caseworker|KLTR
www.kltr.gov.uk

Scottish Government Building | 1F North Victoria Quay | Edinburgh | EH6 6QQ

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Coronavirus: We have changed the way we work in response to the Coronavirus (COVID 19) outbreak and would ask that all communication with the office is by email only. Email us at: enquiries@kltr.gov.uk. However, where we have asked for original documents, these should be posted to the address above. We are continuing to monitor the situation and will provide an update on our website if there are any changes.

-----Original Message-----

From: [REDACTED]
Sent: 01 February 2023 16:15
To: Elaine Pearce [REDACTED]
Subject: Re: Request

Dear Ms Pearce

Many thanks for your rapid response

My client may have identified some land assets which may be of interest to the KLTR

I would like to speak with the relevant person to establish the processes by which my client could pursue this matter

I would appreciate your giving me the contact details for the relevant person to talk to within the KLTR

In appreciation

[REDACTED]

Sent from my iPhone

> On 1 Feb 2023, at 15:38, Elaine Pearce [REDACTED] > wrote:
>
> Good Afternoon
>
> Thank you for your email.
>
> Please can you explain your enquiry so we can forward this onto the correct person.
>
> Kind Regards

>
> Elaine Pearce|Senior Caseworker|KLTR
> www.kltr.gov.uk
>
>
>
> Scottish Government Building | 1F North Victoria Quay | Edinburgh | EH6 6QQ
>
> Visit our website www.kltr.gov.uk for more information about the KLTR, including how we use personal data.

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>
>
>
> -----Original Message-----

> From: [REDACTED]
> Sent: 01 February 2023 15:27
> To: CO KLTR <enquiries@kltr.gov.uk>
> Subject: Request

>
> Can you please advise the telephone number for the KLTR?

>
> Yours sincerely

> [REDACTED]

>
> Sent from my iPhone

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