



Treasury Solicitor's Department

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Our reference: BVFOI/315/14 re Alexandra Mabel Welch

Freedom of Information Act 2000 Request

You asked for the following information from the Treasury Solicitor's Department ("the Department"):

With reference to the Estate of Alexandra Mabel Welch who passed away 22nd April 1990 and which was originally advertised on the 19th August 1991. I wished to enquire if the Division has received a claim in this matter?

Your request will be dealt with by the Bona Vacantia Division ("the Division") under the Freedom of Information Act 2000.

The Division holds all the information that you have requested.

If an estate has been advertised, the Division would have obtained a grant of Letters of Administration before administering the estate.

If the Probate Registry's records indicate that Letters of Administration were granted to the Treasury Solicitor and there has been no subsequent grant of representation to the estate, it can be assumed that the Division has not admitted a claim to the estate.

Copies of grants of Probate/Letters of Administration can be obtained from the Principal Registry of the Family Division, First Avenue House, 42-49 High Holborn, London WC1V 6NP. The information is reasonably accessible to you by other means and is therefore exempt from disclosure under section 21 of the Act. This exemption confers absolute exemption from the requirement to provide information pursuant to section 1(1)(b) of the Act.

The Division is currently undertaking a project to recall pre-1997 files in a managed way, in light of current resource availability, and enter relevant information onto the Division's website for those that are still claimable. It is envisaged that this project will take 6-12 months to complete – a reasonable period in all the circumstances. The estate that you have enquired about will be dealt with as part of this process. The information that you have requested is therefore exempt from disclosure under section 22 of the Act as being information that is held with a view to its publication at a future date.

The exemption under section 22 is a qualified exemption which requires the balancing of the public interest in favour of disclosure against the public interest in favour of withholding the information.

The following public interest factors in favour of disclosing the information are:

- Disclosure may assist the public to be satisfied that the Division and the Department's activities are conducted in an open, transparent and honest way; and
- The benefit in providing information to genealogists and to others who may have an interest in finding kin.

The public interest factors that support withholding the information sought by you are:

- The fact that the Division is engaged on a project to recall the pre-1997 paper files in order to publicise

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those that are still claimable in any event; this list will, of course, be available to all genealogists and members of the public; and

- The public interest in permitting the Division to publish information in a manner and form and at a time of its own choosing, as it is a part of the effective conduct of public affairs that the general publication of information is a conveniently planned and managed activity within the reasonable control of public authorities.

Having considered these competing public interests, the Division believes that the public interest comes down in favour of withholding the information.