



Treasury Solicitor's Department

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Our reference: BVFOI/009/15 re Francis Alan Mitchell

Freedom of Information Act 2000 Request

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

Was the Whittaker estate the sole beneficiary of the whole of F. A. Mitchell's estate, or did another share of it go to any other relative? If so, please could you give me contact details for them too?

What was the full value of F. A. Mitchell's estate at the time it was paid out in summer 2014?

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.

It is the Treasury Solicitor's policy to admit the first claim received, whether directly from a kin claimant or from someone authorised to act on their behalf, which is supported by sufficient evidence to satisfy us that the claimant is entitled to, or to share in, the estate in priority to the Crown.

Once a claim is accepted, the Bona Vacantia Division does not need claims from other relatives, as their claim is protected by law and should be made direct to the successful claimant or their representative, as it is their legal duty to deal with the estate appropriately. Any funds, less deductions for costs and disbursements, held by this Division will be passed to the appointed Administrator of the estate, who must distribute the estate of the deceased according to the rules laid down by the Administration of Estates Act 1925.

I am withholding the information in relation to the full value of the estate at the time it was paid out in summer 2014, as it is exempt from disclosure under section 31(1)(a) of the Act. Section 31(1)(a) provides that information is exempt from disclosure if that disclosure would, or would be likely to, prejudice the prevention or detection of crime. We believe that disclosure of the requested information to any member of the public would, or would be likely to, help enable the commission of fraud or other criminal activity. In applying the exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information.

There is a strong public interest in ensuring that the Division's activities are conducted in an open, transparent and honest way. However, disclosure of the exempt information could help enable the commission of fraud which would be likely to result in a loss to the public purse. There is a strong public interest in protecting the public purse and it is therefore considered that the public interest in maintaining the exemption in section 31(1)(a) in this case outweighs the public interest in disclosing the information.