

Frequently Asked Questions for Customer Services

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1. Who owns land?

- a) If you want to know the owner or occupier of a non domestic property you may check the Valuation Roll and if you want to know the occupier of a domestic property you can check the electoral roll. Both the Valuation Roll and the Electoral roll are accessible at your local Library or on-line e.g. www.saa.gov.uk.
- b) If the property is neither of the above types e.g. public open space and you believe it is Council owned and you want confirmation then you may write to the Moray Council Estates Manager, Council Offices, High Street, Elgin, IV30 1BX enclosing a sketch of the property that is of interest to you and include a description of the property and its location in order to assist Council staff in identifying the property. If the information provided is detailed enough the Council will confirm whether it owns the property within 10 working days.
- c) If the Council do not own the property then it cannot provide you with any assistance in identifying the owner. In such circumstances if local knowledge cannot provide you with any assistance in identifying the owner then you may wish to investigate ownership through the Registers of Scotland either through their website www.ros.gov.uk or by phoning their telephone number 0131 659 6111. Companies who specialise in such research may also be of assistance.

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2. Is the Council responsible for maintenance of an access or road?

- a) Where a road is unadopted (refer to Transportation for adopted roads) responsibility for the maintenance is not easily determined as ownership is not the sole criteria for responsibility for maintenance.
- b) To investigate the responsibility for maintenance you should first check the immediately available sources of information, including any local knowledge of the road users or neighbours, any Title Deed information you have available to you or your Solicitor etc.
- c) If after your investigations you believe that the Council has or may have responsibility for the maintenance of a private access or road in whole or in part it will be necessary to make an enquiry in writing enclosing a sketch of the road or section of road along with a description of the road and its location. If your request for information can include any information that you have found this may assist in the Council's own investigations and speed up any response. The request should be addressed in the first instance to the Council's Estates Manager, Council Offices, High Street, Elgin, IV30 1BX. Given the complexity of the assessment process it may be some time before a definitive answer will be available.

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3. Who is responsible for maintaining a boundary or area of ground?

- a) The responsibility for a boundary fence or wall is normally stated in one or both of the adjoining properties Deeds. Accordingly if you have any enquiry regarding the responsibility for a boundary fence or wall you should first investigate your own Title Deeds.
- b) If your deeds do not provide the required information and you believe the adjoining property is owned by the Moray Council you should contact the Moray Council in writing addressing the enquiry to the Estates Manager, Council Offices, High Street, Elgin, IV30 1BX enclosing
 - i) a sketch plan identifying the sections of boundary which are the subject of the enquiry
 - ii) copies of your Title Deeds where available along with an explanation of the reason for the enquiry and reasons for urgency if applicableIf the information provided is detailed enough the Council will confirm its liability, if any, within 10 working days. Unfortunately further investigations may result in any definitive decision being delayed.
- c) If the Council own the adjoining property it will investigate its own Title Deeds and advise if the Moray Council has any responsibilities in respect of the boundary in question.
- d) If neither Deed identifies the responsibility and the boundary is a mutual one i.e. the deed states the wall is mutual or it is not wholly within the ownership of one or other property then it is normal practice for the fence or wall to be jointly owned with maintenance and ownership being shared by the adjoining proprietors. However, if the wall or fence is constructed wholly within one property it is likely to be the sole property of that owner and hence their sole responsibility.

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4. Garden ground purchase requests

Where the Council receive a request to purchase Council ground adjoining a private property for incorporation into the ground of the householder the Council will follow an agreed upon procedure as set out in the "[Guide to Householders on applications to purchase ground](#)". If the enquiry matches the criteria which are 1) the Council own the adjoining ground and are willing to sell, 2) the adjoining property is a household and 3) they are willing to agree to the costs and terms as set out in the above guide the Council will be willing to process their request.

If the householder wishes to proceed, and Estates have confirmed the Council own the property, they will be issued with a copy of the above guide with a standard covering letter advising them where to send their application together with the non refundable fee.

5. Lock-up garages

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- a) Lock-up sites and garages are normally dealt with by the local Housing Section for the area of the enquiry.
- b) Exceptions to this rule include lock-ups/garages within the harbour areas at Burghead, Hopeman, Buckie, Findochty, Portknockie and Cullen. These sites are managed by the Estates Services on behalf of the Transportation Section as Harbour Authority.

- c) Any proposal to construct a lock-up garage on Council ground for the first time should be referred to the Estates Service in the first instance to assess whether the ground is Council owned and whether it would be considered suitable for sale or let as a lock-up garage site.

6. Laying of services over Council property

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- a) If a private party (not a utility company) wishes to lay a service or create an access over Council property it will require to be granted permission by the Moray Council prior to any works starting on site.
- b) Where the service is to be provided by a utility company it is normally the responsibility of the utility company to contact the Moray Council on behalf of the end user as they have a standard agreement with the Moray Council which reflects their powers granted to them by various forms of legislation and regulation.
- c) The granting of a wayleave or servitude will be dealt with by the Council's Estates Service and bearing in mind the above 2 points any such enquiry should be made in writing to the Estates Manager, Council Offices, High Street, Elgin, IV30 1BX enclosing a plan showing the route of the service or access as well as a description of the proposal and its location. The application for a wayleave or servitude can be complex and in some cases the assessment process can be protracted, accordingly applicants should allow plenty of time when making a request.
- d) The Council would normally expect all of its expenses in processing a wayleave or servitude to be met by the applicant and to receive a payment for the granting of the wayleave or servitude.
- e) In respect of private parties making an application they should include a cheque for £200 in advance with their initial enquiry to cover the Council's costs. The payment will be non-refundable as it covers the Council's costs in identifying ownership and consulting and investigating on the proposals before making a decision on whether the Council would be willing to grant a wayleave or servitude.

7. Viewing or access to property

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The Council do not normally make available keys to a property unless the party meets the following criteria:-

- a) A known professional such as a surveyor/solicitor.
 - b) A contractor instructed by the Moray Council or a prospective tenant/purchaser (the tenant or purchaser are not normally issued keys).
 - c) A representative of a utility company or an employee of a government or quasi government body.
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- i) It is normal practice where someone requiring access to a property does not meet the above criteria that they should contact the Council's Estates Services and request an appointment for viewing.
Email estates@moray.gov.uk Tel: 0300 1234566
 - ii) Where the party meets the above criteria their details should be forwarded to the Estates Services to arrange for the collection of keys whereupon the party will be expected to sign a form confirming that the keys have been granted on loan and that they will comply with conditions for the period of that loan.

- iii) Failure to return the keys at the end of the loan period could result in the Council charging for the cost of lock replacement and any repairs required as a consequence of the change of locks.

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