

SCHEDULE 3

FURTHER PROVISIONS ABOUT ORDERS RELATING TO COMMONS

Crown land

- 6 (1) Where it is proposed to make an order of the kind described in paragraph 2 with respect to land in which there is a Crown or Duchy interest, and the nature of that interest is such that, but for this paragraph, the person to whom the interest belongs would be entitled under paragraph 3 to a copy of the notice referred to in that paragraph—
- (a) paragraph 3 has effect as if it required the copy to be served instead on the appropriate authority, and
 - (b) paragraph 4(1) does not apply in relation to the order but the local authority must not make the order unless and until it has obtained the consent in writing of the appropriate authority.
- (2) In this paragraph “Crown or Duchy interest” means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department.
- (3) In this paragraph “the appropriate authority”—
- (a) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land,
 - (b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy,
 - (c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints, and
 - (d) in relation to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department.
- (4) If any question arises as to what authority is the appropriate authority in relation to any land, that question is to be referred to the Treasury, whose decision is final.