



# Transport and Works (Scotland) Act 2007

## 2007 asp 8

### PART 1

#### ORDERS AUTHORISING WORKS ETC.

##### *Power to make orders*

### **3 Crown land**

- (1) If the appropriate authority agrees—
  - (a) a relevant interest may be acquired compulsorily by virtue of an order under section 1,
  - (b) any provision of this Act or of such an order (other than a provision by virtue of which an interest in land is compulsorily acquired) may apply in relation to a Crown interest, and
  - (c) any provision of an order under section 18 may apply in relation to a relevant interest.
- (2) In subsection (1), a relevant interest is an interest (not being itself a Crown interest) which subsists in land in which there is a Crown interest.
- (3) In this section, “Crown interest” means an interest—
  - (a) belonging to Her Majesty in right of the Crown or in right of Her private estates,
  - (b) belonging to an office-holder in the Scottish Administration or to a government department,
  - (c) held in trust for Her Majesty for the purposes of the Scottish Administration by such an office-holder, or
  - (d) held in trust for Her Majesty for the purposes of a government department.
- (4) In this section, the appropriate authority, in the case of—
  - (a) land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners,
  - (b) other land belonging to Her Majesty in right of the Crown, means the office-holder in the Scottish Administration who, or as the case may be the

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*Changes to legislation: There are currently no known outstanding effects for the Transport and Works (Scotland) Act 2007, Section 3. (See end of Document for details)*

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government department which, has management of the land [<sup>F1</sup>or the relevant person],

- (c) land belonging to Her Majesty in right of Her private estates, means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers,
- (d) land belonging to, or held in trust for Her Majesty for the purposes of the Scottish Administration by, such an office-holder, means that office-holder,
- (e) land belonging to, or held in trust for Her Majesty for the purposes of, a government department, means that government department.

[<sup>F2</sup>(4A) In subsection (4), “relevant person”, in relation to any land to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that land.]

- (5) The references in subsections (3)(a) and (4)(c) to Her Majesty's private estates are to be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37).
- (6) It is for the Scottish Ministers to determine, for the purposes of this section, any question arising as to what authority is the appropriate authority in relation to any land; and their determination is final.

#### Textual Amendments

- F1** Words in s. 3(4)(b) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), [art. 1\(2\)](#), [Sch. 5 para. 38\(a\)](#)
- F2** S. 3(4A) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), [art. 1\(2\)](#), [Sch. 5 para. 38\(b\)](#)

#### Modifications etc. (not altering text)

- C1** Ss. 3-10 applied (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), [ss. 52\(2\)\(3\)](#), [70\(1\)](#)

#### Commencement Information

- I1** S. 3 in force at 28.12.2007 by [S.S.I. 2007/516](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Transport and Works (Scotland) Act 2007, Section 3.