



2011 CHAPTER 25

PART 11

APPLICATION OF ACT TO CROWN LAND

Crown land

Application to the Crown

211.—(1) This Act, except sections 146 (including that section as applied by section 157(6)), 156, 161 and 166, binds the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

(2) But subsection (1) is subject to express provision made by the following provisions of this Part.

Interpretation of Part 11

212.—(1) In this Part—

“the appropriate authority”, in relation to any land, means—

- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;
- (b) in the case of any other land belonging to Her Majesty in right of the Crown, the government department having the management of that land;
- (c) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that government department;

“Crown estate” means any of the following—

- (a) an estate belonging to Her Majesty in right of the Crown;

- (b) an estate belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
- (c) such other estate as the Department may specify by order subject to affirmative resolution;

“Crown land” means land in which there is a Crown estate;

“government department” means a department of the Government of the United Kingdom or a Northern Ireland department;

“private estate” means an estate which is not a Crown estate.

(2) For the purposes of an application for planning permission made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no estate a reference to the appropriate authority must be construed as a reference to the person who makes the application.

Application of Act as respects Crown land

Urgent Crown development

213.—(1) This section applies to a development if the appropriate authority certifies—

- (a) that the development is of significant public importance, and
- (b) that it is necessary that the development is carried out as a matter of urgency.

(2) The appropriate authority must, instead of making an application for planning permission to the council in accordance with Part 3, make an application for planning permission to the Department under this section.

(3) Subsections (5) to (9) of section 29 apply to an application under this section as they apply to an application in respect of which a direction under section 29(1) has effect.

Urgent works relating to listed buildings on Crown land

214.—(1) This section applies to any works proposed to be executed in connection with any building which is on Crown land if the appropriate authority certifies—

- (a) that the works are of significant public importance, and
- (b) that it is necessary that the works are carried out as a matter of urgency.

(2) The appropriate authority may, instead of making an application for consent to the council in accordance with Part 4, make an application for consent to the Department under this section.

(3) If the appropriate authority proposes to make the application to the Department it must publish in one or more newspapers circulating in the locality of the building a notice—

- (a) describing the proposed works, and
- (b) stating that the authority proposes to make the application to the Department.

(4) For the purposes of an application under this section the appropriate authority must provide to the Department a statement of the authority's grounds for making the application.

(5) If the appropriate authority makes an application under this section, subsections (6) to (8) apply.

(6) The Department may require the authority to provide such further information as the Department thinks necessary to enable it to determine the application.

(7) The Department must in accordance with such requirements as may be prescribed publish notice of the application and of the fact that such documents and other material are available for inspection.

(8) The Department must consult—

- (a) the council for the district to which the proposed development relates, and
- (b) such other persons as may be prescribed,

about the application.

(9) Subsections (5) to (9) of section 88 apply to an application under this section as they apply to an application in respect of which a direction under section 88 has effect.

Enforcement in relation to the Crown

215.—(1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act.

(2) But subsection (1) does not have effect to prohibit the doing of anything by or on behalf of the Crown which falls within the circumstances described in section 85(7)(a) to (d).

(3) A council or the Department must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.

(4) The appropriate authority may give consent under subsection (3) subject to such conditions as it thinks appropriate.

(5) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.

- (6) A step taken for the purposes of enforcement includes—
- (a) entering land;
 - (b) bringing proceedings;
 - (c) the making of an application.
- (7) A step taken for the purposes of enforcement does not include—
- (a) service of a notice;
 - (b) the making of an order (other than by a court).

References to an estate in land

216.—(1) Subsection (2) applies to the extent that an estate in land is a Crown estate.

(2) Anything which requires or is permitted to be done by or in relation to the owner of the estate in land shall be done by or in relation to the appropriate authority.

(3) A person who is entitled to occupy Crown land by virtue of a licence in writing shall be treated for the purposes of this section as having an estate in that land.

Applications for planning permission, etc. by Crown

217.—(1) This section applies to an application made by or on behalf of the Crown for—

- (a) planning permission, listed building consent, hazardous substances consent or conservation area consent; or
- (b) a determination under section 102 or a certificate under section 170.

(2) The Department may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.

Service of notices on the Crown

218.—(1) Any notice or other document required under this Act to be served on the Crown shall be served on the appropriate authority.

(2) Section 24 of the Interpretation Act (Northern Ireland) 1954 (c. 33) does not apply for the purposes of the service of such a notice or document.