

## SCHEDULES

### SCHEDULE 3

Section 79

#### CROWN APPLICATION

##### *Purchase notices*

- 1 After section 137 of the principal Act (circumstances in which a purchase notice may be served) there is inserted the following section—

**“137A Purchase notices: Crown land**

- (1) A purchase notice may be served in respect of Crown land only as mentioned in this section.
- (2) The owner of a private interest in Crown land must not serve a purchase notice unless—
  - (a) he first offers to dispose of his interest to the appropriate authority on equivalent terms, and
  - (b) the offer is refused by the appropriate authority.
- (3) The appropriate authority may serve a purchase notice in relation to the following land—
  - (a) land belonging to Her Majesty in right of Her private estates;
  - (b) land belonging to Her Majesty in right of the Duchy of Lancaster;
  - (c) land belonging to the Duchy of Cornwall;
  - (d) land which forms part of the Crown Estate.
- (4) An offer is made on equivalent terms if the price payable for the interest is equal to (and, in default of agreement, determined in the same manner as) the compensation which would be payable in respect of it if it were acquired in pursuance of a purchase notice.
- (5) Expressions used in this section and in Part 13 must be construed in accordance with that Part.”

- 2 After section 32 of the listed buildings Act (circumstances in which a purchase notice may be served) there is inserted the following section—

**“32A Purchase notices: Crown land**

- (1) A listed building purchase notice may be served in respect of Crown land only as mentioned in this section.
- (2) The owner of a private interest in Crown land must not serve a listed building purchase notice unless—
  - (a) he first offers to dispose of his interest to the appropriate authority on equivalent terms, and

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- (b) the offer is refused by the appropriate authority.
- (3) The appropriate authority may serve a listed building purchase notice in relation to the following land—
  - (a) land belonging to Her Majesty in right of Her private estates;
  - (b) land belonging to Her Majesty in right of the Duchy of Lancaster;
  - (c) land belonging to the Duchy of Cornwall;
  - (d) land which forms part of the Crown Estate.
- (4) An offer is made on equivalent terms if the price payable for the interest is equal to (and, in default of agreement, determined in the same manner as) the compensation which would be payable in respect of it if it were acquired in pursuance of a listed building purchase notice.”

### *Compulsory acquisition*

- 3 (1) Section 226 of the principal Act (compulsory acquisition of land for development and other planning purposes) is amended as follows.
  - (2) After subsection (2) there is inserted the following subsection—
    - “(2A) The Secretary of State must not authorise the acquisition of any interest in Crown land unless—
      - (a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and
      - (b) the appropriate authority consents to the acquisition.”
  - (3) After subsection (8) there is inserted the following subsection—
    - “(9) Crown land must be construed in accordance with Part 13.”
- 4 (1) Section 228 of the principal Act (compulsory acquisition of land by the Secretary of State) is amended as follows.
  - (2) After subsection (1) there is inserted the following subsection—
    - “(1A) But subsection (1) does not permit the acquisition of any interest in Crown land unless—
      - (a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and
      - (b) the appropriate authority consents to the acquisition.”
  - (3) After subsection (7) there is inserted the following subsection—
    - “(8) Crown land must be construed in accordance with Part 13.”
- 5 (1) Section 47 of the listed buildings Act (compulsory acquisition of listed building in need of repair) is amended as follows.
  - (2) After subsection (6) there is inserted the following subsection—
    - “(6A) This section does not permit the acquisition of any interest in Crown land unless—
      - (a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and

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- (b) the appropriate authority (within the meaning of section 82C) consents to the acquisition.”

### Definitions

- 6 (1) Section 293 of the principal Act (preliminary definitions) is amended as follows.
- (2) In subsection (1) for the definition of “Crown interest” there is substituted the following definition—
- ““Crown interest” means any of the following—
  - (a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;
  - (b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
  - (c) such other interest as the Secretary of State specifies by order;”.
- (3) In subsection (2) after paragraph (b) there is inserted the following paragraph—
- “(ba) in relation to 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 Secretary of State;”.
- (4) In subsection (2) after paragraph (e) there are inserted the following paragraphs—
- “(f) in relation to Westminster Hall and the Chapel of St Mary Undercroft, means the Lord Great Chamberlain and the Speakers of the House of Lords and the House of Commons acting jointly;
  - (g) in relation to Her Majesty’s Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, means the Lord Great Chamberlain.”
- (5) After subsection (2) there is inserted the following subsection—
- “(2A) 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 interest a reference to the appropriate authority must be construed as a reference to the person who makes the application.”
- (6) After subsection (3) there are inserted the following subsections—
- “(3A) References to Her Majesty’s private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.
  - (3B) In subsection (2A) the Crown includes—
  - (a) the Duchy of Lancaster;
  - (b) the Duchy of Cornwall;
  - (c) a person who is an appropriate authority by virtue of subsection (2) (f) and (g).”
- (7) After subsection (4) there are inserted the following subsections—
- “(5) An order made for the purposes of paragraph (c) of the definition of Crown interest in subsection (1) must be made by statutory instrument.
  - (6) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

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7 In the listed buildings Act after section 82B (inserted by section 83(1)) there is inserted the following section—

**“82C Expressions relating to the Crown**

- (1) In this Act, expressions relating to the Crown must be construed in accordance with this section.
- (2) Crown land is land in which there is a Crown interest or a Duchy interest.
- (3) A Crown interest is any of the following—
  - (a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;
  - (b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
  - (c) such other interest as the Secretary of State specifies by order.
- (4) A Duchy interest is—
  - (a) an interest belonging to Her Majesty in right of the Duchy of Lancaster, or
  - (b) an interest belonging to the Duchy of Cornwall.
- (5) A private interest is an interest which is neither a Crown interest nor a Duchy interest.
- (6) The appropriate authority in relation to any land is—
  - (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 relation to any other land belonging to Her Majesty in right of the Crown, the government department having the management of the land;
  - (c) in relation to land belonging to Her Majesty in right of Her private estates, a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Secretary of State;
  - (d) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
  - (e) in relation to land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy, appoints;
  - (f) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, the department;
  - (g) in relation to Westminster Hall and the Chapel of St Mary Undercroft, the Lord Great Chamberlain and the Speakers of the House of Lords and the House of Commons acting jointly;
  - (h) in relation to Her Majesty’s Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, the Lord Great Chamberlain.

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- (7) If any question arises as to what authority is the appropriate authority in relation to any land it must be referred to the Treasury, whose decision is final.
- (8) For the purposes of an application for listed building consent 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 interest a reference to the appropriate authority must be construed as a reference to the person who makes the application.
- (9) For the purposes of subsection (8) the Crown includes—
- (a) the Duchy of Lancaster;
  - (b) the Duchy of Cornwall;
  - (c) a person who is an appropriate authority by virtue of subsection (6) (g) and (h).
- (10) The reference to Her Majesty’s private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.
- (11) An order made for the purposes of paragraph (c) of subsection (3) must be made by statutory instrument.
- (12) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.”
- 8 (1) Section 31 of the hazardous substances Act (exercise of powers in relation to Crown land) is amended as follows.
- (2) Subsections (1) and (2) are omitted.
- (3) In subsection (3) for the definition of “Crown interest” there is substituted the following definition—
- ““Crown interest” means any of the following—
- (a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;
  - (b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
  - (c) such other interest as the Secretary of State specifies by order;”.
- (4) In subsection (5) after paragraph (a) there is inserted the following paragraph—
- “(aa) in relation to 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 Secretary of State;”.
- (5) In subsection (5) after paragraph (d) there are inserted the following paragraphs—
- “(e) in relation to Westminster Hall and the Chapel of St Mary Undercroft, means the Lord Great Chamberlain and the Speakers of the House of Lords and the House of Commons acting jointly;
  - (f) in relation to Her Majesty’s Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, means the Lord Great Chamberlain.”
- (6) After subsection (6) there are inserted the following subsections—

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- “(7) References to Her Majesty’s private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.
- (8) An order made for the purposes of paragraph (c) of the definition of Crown interest in subsection (3) must be made by statutory instrument.
- (9) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

*Special enforcement notices*

- 9 (1) Sections 294 and 295 of the principal Act (control of development on Crown land: special enforcement notices) are omitted.
- (2) But the repeal of sections 294 and 295 does not affect their operation in relation to development carried out before the commencement of this paragraph.

*Applications for planning permission, etc.*

- 10 (1) After section 298 of the principal Act (supplementary provision as to Crown and Duchy interests) there is inserted the following section—

**“298A Applications for planning permission by Crown**

- (1) This section applies to an application for planning permission or for a certificate under section 192 made by or on behalf of the Crown.
- (2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
- (3) A statutory provision is a provision contained in or having effect under any enactment.”
- (2) Section 299 of the principal Act is omitted.
- (3) The repeal of section 299 of the principal Act does not affect any requirement made in pursuance of regulations made under subsection (5)(b) of that section.

- 11 After section 82E of the listed buildings Act (inserted by section 84) there is inserted the following section—

**“82F Applications for listed building or conservation area consent by Crown**

- (1) This section applies to an application for listed building consent or conservation area consent made by or on behalf of the Crown.
- (2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
- (3) A statutory provision is a provision contained in or having effect under any enactment.”

- 12 (1) After section 31 of the hazardous substances Act (exercise of powers in relation to Crown land) there is inserted the following section—

**“31A Applications for hazardous substances consent by Crown**

- (1) This section applies to an application for hazardous substances consent made by or on behalf of the Crown.
- (2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
- (3) A statutory provision is a provision contained in or having effect under any enactment.”

(2) Section 32 of the hazardous substances Act is omitted.

*Rights of entry*

13 After section 325 of the principal Act (supplementary provisions as to rights of entry) there is inserted the following section—

**“325A Rights of entry: Crown land**

- (1) Section 324 applies to Crown land subject to the following modifications.
- (2) A person must not enter Crown land unless he has the relevant permission.
- (3) Relevant permission is the permission of—
  - (a) a person appearing to the person seeking entry to the land to be entitled to give it, or
  - (b) the appropriate authority.
- (4) In subsection (8) the words “Subject to section 325” must be ignored.
- (5) Section 325 does not apply to anything done by virtue of this section.
- (6) “Appropriate authority” must be construed in accordance with section 293(2).”

14 After section 88B of the listed buildings Act (rights of entry: supplementary provisions) there is inserted the following section—

**“88C Rights of entry: Crown land**

- (1) Section 88 applies to Crown land subject to the following modifications.
- (2) A person must not enter Crown land unless he has the relevant permission.
- (3) Relevant permission is the permission of—
  - (a) a person appearing to the person seeking entry to the land to be entitled to give it, or
  - (b) the appropriate authority.
- (4) In subsection (6) the words “Subject to section 88B(8)” must be ignored.
- (5) Section 88B does not apply to anything done by virtue of this section.
- (6) “Appropriate authority” must be construed in accordance with section 82C(6).”

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- 15 After section 36B of the hazardous substances Act (rights of entry: supplementary provisions) there is inserted the following section—

**“36C Rights of entry: Crown land**

- (1) Section 36 applies to Crown land subject to the following modifications.
- (2) A person must not enter Crown land unless he has the relevant permission.
- (3) Relevant permission is the permission of—
  - (a) a person appearing to the person seeking entry to the land to be entitled to give it, or
  - (b) the appropriate authority.
- (4) Section 36B does not apply to anything done by virtue of this section.
- (5) “Appropriate authority” must be construed in accordance with section 31(5).”

*Service of notices*

- 16 After section 329 of the principal Act (service of notices) there is inserted the following section—

**“329A Service of notices on the Crown**

- (1) Any notice or other document required under this Act to be served on the Crown must be served on the appropriate authority.
- (2) Section 329 does not apply for the purposes of the service of such a notice or document.
- (3) “Appropriate authority” must be construed in accordance with section 293(2).”

*Information as to interests in land*

- 17 After section 330 of the principal Act (power to require information as to interests in land) there is inserted the following section—

**“330A Information as to interests in Crown land**

- (1) This section applies to an interest in Crown land which is not a private interest.
- (2) Section 330 does not apply to an interest to which this section applies.
- (3) For a purpose mentioned in section 330(1) the Secretary of State may request the appropriate authority to give him such information as to the matters mentioned in section 330(2) as he specifies in the request.
- (4) The appropriate authority must comply with a request under subsection (3) except to the extent—
  - (a) that the matter is not within the knowledge of the authority, or



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(b) that to do so will disclose information as to any of the matters mentioned in section 321(4).

(5) Expressions used in this section and in Part 13 must be construed in accordance with that Part.”

#### *Listed buildings and conservation areas*

18 (1) Sections 83 and 84 of the listed buildings Act (provisions relating to Crown land) are omitted.

(2) The repeal of section 84 of the listed buildings Act does not affect any requirement made in pursuance of regulations made under subsection (4)(b) of that section.

19 (1) Section 89(1) of the listed buildings Act (application of certain general provisions of principal Act) is amended as follows.

(2) After the entry relating to section 329 there is inserted—

“section 329A(1) and (2) (service of notices on the Crown)”.

(3) After the entry relating to section 330 there is inserted—

“section 330A(1) to (4) (information as to interests in Crown land)”.

#### *Hazardous substances*

20 In section 17 of the hazardous substances Act (revocation of consent on change of control of land) after subsection (2) there is inserted the following subsection—

“(3) This section does not apply if the control of land changes from one emanation of the Crown to another.”

21 (1) Section 37(2) of the hazardous substances Act (application of certain general provisions of the principal Act) is amended as follows.

(2) After the entry relating to section 329 there is inserted—

“section 329A(1) and (2) (service of notices on the Crown)”.

(3) After the entry relating to section 330 there is inserted—

“section 330A(1) to (4) (information as to interests in Crown land)”.

#### *Miscellaneous*

22 Section 293(4) of the principal Act (certain persons treated as having an interest in Crown land) is omitted.

23 Section 297 of the principal Act (agreements relating to Crown land) is omitted.

24 (1) Section 298 of the principal Act (supplementary provisions as to Crown and Duchy interests) is amended as follows.

(2) Subsections (1) and (2) are omitted.

(3) In subsection (3) after “in which there is” there is inserted “a Crown interest or”.

25 Section 299A of the principal Act (Crown planning obligations) is omitted.

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- 26 (1) Section 300 of the principal Act (tree preservation orders in anticipation of disposal of Crown land) is omitted.
- (2) But the repeal of section 300 does not affect its operation in relation to a tree preservation order made by virtue of that section before the commencement of this paragraph.
- 27 (1) Section 301 of the principal Act (requirement of planning permission for continuance of use instituted by the Crown) is omitted.
- (2) But the repeal of section 301 does not affect its operation in relation to an agreement made as mentioned in subsection (1) of that section before the commencement of this paragraph.