



Planning Act 2008

2008 CHAPTER 29

PART 12

FINAL PROVISIONS

The Crown and Parliament

226 The Crown

- (1) This Act binds the Crown, subject to subsections (2) and (3).
- (2) Sections 40, 54, 135, 166, 228 and 231 make special provision in relation to the application of some provisions of this Act to the Crown.
- (3) The amendments made by this Act bind the Crown only to the extent that the provisions amended bind the Crown.

227 “Crown land” and “the appropriate Crown authority”

- (1) In this Act, “Crown land” and “the appropriate Crown authority” must be read in accordance with this section.
- (2) “Crown land” is land in which there is a Crown interest or a Duchy interest.
- (3) For the purposes of this section, 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) an interest belonging to an office-holder in the Scottish Administration or held in trust for Her Majesty for the purposes of the Scottish Administration by such an office-holder;

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- (d) the interest of the Speaker of the House of Lords in those parts of the Palace of Westminster and its precincts occupied on 23 March 1965 by or on behalf of the House of Lords;
 - (e) the interest of the Speaker of the House of Commons in those parts of the Palace of Westminster and its precincts occupied on 23 March 1965 by or on behalf of the House of Commons;
 - (f) the interest in any land of—
 - (i) the Corporate Officer of the House of Lords;
 - (ii) the Corporate Officer of the House of Commons;
 - (iii) those two Corporate Officers acting jointly;
 - (g) such other interest as the Secretary of State specifies by order.
- (4) For the purposes of this section, 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) “The appropriate Crown 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 or, as the case may be, office-holder in the Scottish Administration, having the management of the land [^{F1}or the relevant person];
 - (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 the case of land belonging to an office-holder in the Scottish Administration or held in trust for Her Majesty for the purposes of such an office-holder, the office-holder;
 - (h) 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;
 - (i) 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.
 - (j) in relation to land in which there is a Crown interest by virtue of subsection (3) (d) or (f)(i), the Corporate Officer of the House of Lords;
 - (k) in relation to land in which there is a Crown interest by virtue of subsection (3) (e) or (f)(ii), the Corporate Officer of the House of Commons;
 - (l) in relation to land in which there is a Crown interest by virtue of subsection (3) (f)(iii), those two Corporate Officers acting jointly.

[^{F2}(5A) In subsection (5), “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.]

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- (6) If any question arises as to what authority is the appropriate Crown authority in relation to any land it must be referred to the Treasury, whose decision is final.
- (7) References to Her Majesty's private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37).
- (8) References to an office-holder in the Scottish Administration are to be construed in accordance with section 126(7) of the Scotland Act 1998 (c. 46).

Textual Amendments

- F1** Words in s. 227(5)(b) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 40\(a\)](#)
- F2** S. 227(5A) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 40\(b\)](#)

228 Enforcement in relation to the Crown and Parliament

- (1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act.
- (2) For the purposes of this section “the Crown” includes—
 - (a) the Duchy of Lancaster;
 - (b) the Duchy of Cornwall;
 - (c) the Speaker of the House of Lords;
 - (d) the Speaker of the House of Commons;
 - (e) the Corporate Officer of the House of Lords;
 - (f) the Corporate Officer of the House of Commons.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)