Crown Estate Act 1961

1961 CHAPTER 55

An Act to make new provision in place of the Crown Lands Acts, 1829 to 1936, as to the powers exercisable by the Crown Estate Commissioners for the management of" the Crown Estate, to transfer to the management of the Minister of Works certain land of the Crown Estate in Regent's Park and extend or clarify the powers of that Minister in Regent's Park, to amend the Forestry (Transfer of Woods) Act, 1923, as it affects the Crown Estate, to amend the law as to escheated land, and for purposes connected therewith. [27th July, 1961]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Continuance of Crown Estate Commissioners, and general provisions as to their constitution and functions

(1) The Crown Estate Commissioners (in this Act referred to as " the Commissioners ") shall continue to be a body corporate for all purposes, charged on behalf of the Crown with the function of managing and turning to account land and other property, rights and interests, and of holding such of the property, rights and interests under their management as for any reason cannot be vested in the Crown or can more conveniently be vested in the Commissioners; and the property, rights and interests under the management of the Commissioners shall continue to be known as the Crown Estate.

(2) Subject to the provisions of this Act, the Crown Lands Acts, 1829 to 1936, shall cease to have effect, and the Commissioners shall, for the purpose of managing and improving the Crown Estate or any part of it, have authority to do on behalf of the Crown over or in relation to land or other property, rights or interests forming part of the Crown Estate, and in relation to all matters arising in the management of the Crown Estate, all such acts as belong to the Crown's rights of ownership, free from any restraint on alienation imposed on the Crown by section five of the Crown Lands Act, 1702, or by any other enactment (whether general or particular), and to execute

and do in the name of Her Majesty all instruments and things proper for the effective exercise of their powers.

(3) It shall be the general duty of the Commissioners, while maintaining the Crown Estate as an estate in land (with such proportion of cash or investments as seems to them to be required for the discharge of their functions), to maintain and enhance its value and the return obtained from it, but with due regard to the requirements of good management.

(4) The Commissioners shall comply with such directions as to the discharge of their functions under this Act as may be given to them in writing by the Chancellor of the Exchequer or the Secretary of State; but the Chancellor of the Exchequer or Secretary of State in giving directions to the Commissioners under this subsection shall have regard to subsection (3) above, and before giving any such direction shall consult the Commissioners.

The Chancellor of the Exchequer and the Secretary of State shall act jointly in giving directions under this subsection, except that in matters not relating to Scotland the Chancellor of the Exchequer may act without the Secretary of State and in matters relating exclusively to Scotland the Secretary of State may act without the Chancellor of the Exchequer.

(5) The validity of transactions entered into by the Commissioners shall not be called in question on any suggestion of their not having acted in accordance with the provisions of this Act regulating the exercise of their powers, or of their having otherwise acted in excess of their authority, nor shall any person dealing with the Commissioners be concerned to inquire as to the extent of their authority or the observance of any restrictions on the exercise of their powers.

(6) Any transaction entered into by the Commissioners in the exercise of their powers (including an acquisition for the Crown Estate) may be carried out by the same means and with the same formalities, and any deed or other instrument entered into by them shall be construed in the same manner, and shall be registrable, as if they were acting on behalf of a subject of Her Majesty:

Provided that an advowson shall not be taken to be comprised in any general words in a grant or agreement for a grant of land.

(7) The provisions of the First Schedule to this Act shall have effect with respect to the constitution and proceedings of the Commissioners and other matters relating to the Commissioners.

2 Reports and accounts of Commissioners

(1) As soon as may be after the end of each financial year, the Commissioners shall make to Her Majesty a report on the performance of their functions in that year, and shall lay a copy of that report before each House of Parliament.

(2) The report of the Commissioners for any financial year shall set out any directions given to the Commissioners during the year by the Chancellor of the Exchequer or Secretary of State, except any direction in the case of which the Chancellor of the Exchequer or Secretary of State has notified to the Commissioners his opinion that it should be omitted in the interests of national security.

(3) The Commissioners shall keep proper accounts and other records in relation thereto, and shall furnish the Treasury with such returns, accounts and other information about the Crown Estate and about the activities of the Commissioners, and with such

estimates of future receipts and expenditure, as the Treasury may from time to time require.

(4) In their accounts the Commissioners shall distinguish between capital and income, and shall make any proper adjustments between capital account and income account (including provision, where appropriate, for recouping capital expenditure out of income), but so that—

(a) any sum received by way of premium on the grant of a lease shall be carried to income account if the lease is for a term of thirty years or less, and to capital account, if the lease is for a term exceeding thirty years; and

(b) the gross annual income received, and the expenses incurred, from or in connection with mining leases or the working of mines or minerals shall be carried or charged as to one half to capital account and as to one half to income account.

(5) The Commissioners shall prepare for each financial year statements of account in such form as the Treasury may direct, and shall transmit them to the Comptroller and Auditor-General not later than the end of November in the following financial year.

(6) The Comptroller and Auditor-General shall examine and certify the accounts transmitted to him under this section, and shall lay before each House of Parliament copies of the accounts, together with his report thereon.

(7) The Commissioners' financial year shall begin with the first day of April, and references to a financial year in relation to the Commissioners shall be construed accordingly.

3 General provisions as to course of management

(1) Save as provided by the following provisions of this Act, the Commissioners shall not sell, lease or otherwise dispose of any land of the Crown Estate, or any right or privilege over or in relation to any such land, except for the best consideration in money or money's worth which in their opinion can reasonably be obtained, having regard to all the circumstances of the case but excluding any element of monopoly value attributable to the extent of the Crown's ownership of comparable land.

(2) The Commissioners shall not grant a lease of land of the Crown Estate, or of any right or privilege over or in relation to any such land, for a term ending more than one hundred years from the date of the lease, and every such lease granted by them shall be made to take effect in possession not later than twelve months after its date or in reversion after an existing lease having at that date not more than twenty-one years to run.

(3) The Commissioners shall not, by the grant of an option or otherwise, contract to convey or create any estate or interest in, or any right or privilege over or in relation to, land of the Crown Estate at a date more than ten years after the date of the contract:

Provided that this subsection shall not apply to a contract under which the consideration to be received by the Commissioners for the conveyance or creation of the estate or interest, or of the right or privilege, is to be determined at the time it is conveyed or created, and is to be determined in such manner as, in their opinion, is calculated to secure to them the best consideration in money or money's worth which can at that date reasonably foe obtained.

(4) Where moneys forming part of the Crown Estate are to be invested, they shall be invested either—

(a) in the name of the Commissioners on real, leasehold or heritable securities in the United Kingdom, but excluding the security of any lease or leasehold property where the lease has less than sixty years to run at the date of the investment; or

(b) in the name of the National Debt Commissioners in any securities or other investments for the time being authorised for the investment of money paid into the Fund for the Banks for Savings.

In this subsection " heritable security " has the same meaning as in the Town and Country Planning (Scotland) Act, 1947.

(5) The powers exercisable by the Commissioners in the management of the Crown Estate shall include power to borrow money, on security or otherwise, for the purpose of discharging or redeeming incumbrances affecting any part of the Crown Estate, but not for other purposes: and subsections (1) to (3) above shall not apply in relation to any security for the principal or interest of money so borrowed (with or without any expenses of the lender or other incidental sums).

(6) Subsection (1) above shall not restrict the discretion of the Commissioners as to the parcels in which any land is to be disposed of, or as to the apportionment of the consideration for any disposition or of any part of that consideration between different parts of the land disposed of, nor their discretion to reserve any right or privilege over or in relation to any land disposed of, or to dispose of land subject to any covenants, conditions or restrictions; and in determining for the purposes of this section whether the consideration to be given by a person for any disposition is the best that can reasonably be obtained, the Commissioners (where it is appropriate to do so) may take into account as part of that consideration any benefit conferred on the Crown Estate by improvements or works executed on the land in question by him or another without cost to the Crown Estate.

(7) Subsections (1) and (2) above shall not apply to any exercise of the powers of the Commissioners for the purpose of complying with an obligation enforceable against the Crown or against the Commissioners, or for the purpose of confirming any lease or grant which is void or voidable.

(8) Where the Commissioners dispose of land subject to restrictions on the user of the land, the restrictions may, notwithstanding any enactment or rule of law relating to perpetuities, be made enforceable by a right of re-entry exercisable on behalf of Her Majesty on a breach of the restrictions occurring at any distance of time.

4 Grants for public or charitable purposes

(1) For the development, improvement or general benefit of any land of the Crown Estate, the Commissioners with the consent of Her Majesty signified under the Royal Sign Manual may dispose of land, or of a right or privilege over or in relation to land, without consideration or for such consideration as they think fit, where the land is to be used and occupied, or the right or privilege is to be enjoyed—

(a) for the purposes of any public or local authority, or for the purposes of any authority or person exercising powers conferred by or under any enactment for the supply of water ; or

(b) for the construction, enlargement, improvement or maintenance of any road, dock, sea-wall, embankment, drain, water-course or reservoir; or

(c) for providing, enlarging or improving a place of religious worship, residence for a minister of religion, school, library, reading room or literary or scientific institution, or any communal facilities for recreation, or the amenities of or means of access to any land or building falling within this paragraph; or

(d) for any other public or charitable purpose in connection with any land of the Crown Estate, or tending to the welfare of persons residing or employed on any such land.

(2) The Commissioners may, out of the income of the Crown Estate, make contributions in money for any religious or educational purpose connected with land of the Crown Estate, or for other purposes tending to the welfare of persons residing or employed on any such land.

(3) Subsection (1) of section three of this Act shall not apply to any exercise of the powers of the Commissioners under section fourteen of the New Parishes Measure, 1943 (which relates to gifts or grants of land for the sites of churches, etc.).

5 Special provisions as to particular properties

(1) Notwithstanding anything in the foregoing provisions of this Act, it shall be the duty of the Commissioners in exercising their powers of management in relation to the Windsor Estate to aim at maintaining its present character as a Royal park and forest, and except as provided by subsection (3) below the Commissioners shall not sell or give in exchange any land forming part of the Windsor Estate.

(2) Subsection (1) above shall not prevent the Commissioners, so far as is consistent with their duty to maintain the character of the Windsor Estate, from using any part of the Windsor Estate, or permitting it to be used, for purposes of forestry or agriculture or other purposes not prejudicial to that duty, or for the purpose of providing dwellings for persons employed in or in connection with the Windsor Estate and for purposes connected with their convenience and welfare, or from granting any lease of, or any right or privilege over or in relation to, any part of the Windsor Estate for any such purpose, or (subject to such restrictions and conditions as the Commissioners see fit to impose) from allowing the public to have access to any part of the Windsor Estate for purposes of recreation, or in connection with any agricultural or other show or exhibition or in such other cases as the Commissioners may determine.

(3) Where the Commissioners are satisfied by a certificate of the Minister of Housing and Local Government that land in Windsor Forest which forms part of the Windsor Estate is in the public interest required by any public or local authority for development, and are also satisfied that the land so required can be suitably replaced in the Windsor Estate by other land (not less in area) which is adjacent to the Windsor Estate and forms part of or can be acquired for the Crown Estate, the Commissioners may, with the consent of Her Majesty signified under the Royal Sign Manual.—

(a) sell or exchange the land so required; and

(b) by order direct that the other land shall from the date of the order (or from the date of its acquisition, if that is later) be added to the Windsor Estate;

and land sold or exchanged under this subsection shall cease to be part of Windsor Forest, and land added to the Windsor Estate under this subsection shall become part of Windsor Forest.

(4) Subject to subsection (3) above, " the Windsor Estate" means for the purposes of this section the land which at the commencement of this Act forms part of the Crown Estate and is within the area of Windsor Park and Windsor Forest; and if Her Majesty is pleased by Order in Council to declare the boundaries of the Windsor Estate as defined by this subsection, or to declare the boundary within the Windsor Estate as so defined between Windsor Park and Windsor Forest, the declaration shall be conclusive for the purposes of this Act.

(5) The foregoing provisions of this Act shall not authorise the Commissioners to sell, lease or otherwise dispose of any house which is for the time being at the disposal of Her Majesty, or any right or privilege over or in relation to any such house ; and, with the consent of Her Majesty signified under the Royal Sign Manual, arrangements (by way of exchange or otherwise) may be made on such terms as the Treasury may approve for any house forming part of the Crown Estate to be, or to cease to be, at the disposal of Her Majesty. This subsection shall apply to any garden or other ground attached to and usually occupied with a house or otherwise required for its amenity or convenience as it applies to the house.

6 Power to make regulations for land open to public

(1) The Commissioners may make such regulations to be observed by persons using land of the Crown Estate to which the public are for the time being allowed access as they consider necessary for securing the proper management of that land and the preservation of order and prevention of abuses on that land.

(2) While regulations under this section are in force as respects any land in Great Britain, the provisions of the Parks Regulation Act, 1872, shall apply to the land as if it were a park to which that Act applies, but so that any reference to regulations shall be construed as referring to the regulations under this section and any reference to the Minister of Works shall be construed as referring to the Commissioners.

(3) If any person fails to comply with or acts in contravention of any -regulations under this section, he shall be liable on summary conviction or, in Scotland, on conviction in a court of summary jurisdiction to a fine not exceeding five pounds.

(4) The power of the Commissioners to make regulations under this section shall be exercisable by statutory instrument, and a draft of any such statutory instrument shall be laid before Parliament.

7 Powers of Minister of Works in Regent's Park

(1) The Commissioners shall cease to have the management of any part of the land in Regent's Park which at the beginning of the year nineteen hundred and sixty-one was occupied by the Zoological Society of London, and the Minister of Works shall have the like powers of management over it as if it had been included in the land transferred to the management of the Commissioners of Works and Public Buildings by section twenty-two of the Crown Lands Act, 1851.

(2) Without prejudice to his other powers of management, the Minister of Works shall have power from time to time to grant to the Zoological Society of London, on such terms and conditions as he may with the approval of the Treasury determine, leases of all or any of the land occupied by the Society in Regent's Park at the beginning of the

year nineteen hundred and sixty-one, or of neighbouring land under his management in Regent's Park up to a total (exclusive of the land so occupied) of ten acres:

Provided that every such lease shall be made to take effect in possession, and shall be for a term ending not more than sixty years from the date of the lease.

(3) All rights and obligations enforceable by or against the Commissioners under or by virtue of any lease or agreement made before the commencement of this Act with respect to any land transferred by subsection (1) above to the management of the Minister of Works, or under or by virtue of any agreement relating to either of the tunnels under the Outer Circle which connect the land in Regent's Park occupied by the Zoological Society of London, shall be enforceable by or against the Minister instead of the Commissioners.

(4) The Parks Regulation Acts, 1872 and 1926, shall not extend to any part of Regent's Park which is for the time being occupied by the Zoological Society of London.

(5) Notwithstanding the powers exercisable by any other authority in Regent's Park, the Outer Circle and all roads within the Outer Circle, together with the road leading from the Outer Circle to Hanover Gate and with the road leading from the Outer Circle to Prince Albert Road at its junction with Avenue Road, shall be deemed to be under the management of the Minister of Works within the meaning of section one of the Parks Regulation (Amendment) Act, 1926, and any regulations made before the commencement of this Act by virtue of section two of that Act (as extended by any subsequent enactment) shall have effect accordingly.

8 Miscellaneous provisions as to transfers of and title to property

(1) No Order in Council shall be made after the passing of this Act under subsection (1) of section one of the Forestry (Transfer of Woods) Act, 1923, for the transfer to the appropriate Minister under paragraph (a) of that subsection of any property, rights or interests forming part of the Crown Estate, nor for the retransfer under paragraph (e) of any property, rights or interests previously transferred under paragraph (a), and the Minister's powers over land so transferred shall not be subject to any restrictions which may have applied to the land as being part of the Royal forests, parks and chases or any of them ; and where after the commencement of this Act the appropriate Minister sells land previously transferred under paragraph (a) to an amount exceeding five acres at any one time, then unless the sum determined under section three of that Act on the occasion of the transfer as the amount contingently payable by way of compensation for the transfer of rights and interests of the Crown has been fully paid or satisfied.—

(a) the net proceeds of sale or the portion necessary to satisfy that sum shall be paid by the Minister to the Commissioners, and shall form part of the Crown Estate; and

(b) the payment shall be treated as satisfying a part of that sum equal to the gross proceeds of sale or the corresponding portion of them.

In this subsection " the appropriate Minister" means the appropriate Minister for the purposes of the Forestry Act, 1945.

(2) It is hereby declared that where, immediately before the commencement of the Law of Property Act, 1925, the property under the management of the Commissioners of Crown Lands comprised an undivided share vested in the Crown in any land in England or Wales, the transitional provisions in Part IV of the First Schedule to that

Act had effect in relation thereto, notwithstanding that the effect was to vest the land in the Crown jointly with other persons as trustees.

(3) Where land escheats to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duke of Cornwall or Her Majesty in right of the Duchy of Cornwall, then (without prejudice to the rights of other persons) the land shall vest accordingly and may be dealt with, and any proceedings may be taken in relation to it, without the title by escheat being found of record by inquisition or otherwise.

9 Savings, transitional provisions and repeals

(1) Nothing in the foregoing provisions of this Act shall affect the rights of Her Majesty or of any Minister of the Crown or Government department in respect of appointments to any office which have been customarily made otherwise than by the Commissioners.

(2) On the coming into force of this Act so much of the Crown Estate as consists of leaseholds or other interests in land held in trust for Her Majesty by any person other than the Commissioners shall by virtue of this Act vest in the Commissioners, and that person shall take such steps as the Commissioners may reasonably require for the purpose of perfecting or evidencing their title.

(3) Notwithstanding anything in the foregoing provisions of this Act, such of the provisions of the Crown Lands Acts, 1829 to 1936, as are mentioned in Part I of the Second Schedule to this Act shall continue in force, subject to any restrictions or modifications there provided for; and the provisions of Part II of that Schedule shall have effect with respect to matters arising out of repeals made by this Act and to related matters.

(4) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule (which includes in Part I certain enactments already obsolete or unnecessary, to the extent mentioned, apart from the provisions of this Act).

10 Short title, extent and interpretation

(1) This Act may be cited as the Crown Estate 'Act, 1961.

(2) It is hereby declared that this Act extends to Northern Ireland.

(3) Where an enactment mentioned in Part II of the Third Schedule to this Act extends to the Isle of Man or to Alderney, the repeal of it by this Act shall also extend to the Isle of Man or to Alderney, and this Act shall extend to the Isle of Man, so far as is material to any powers or duties of the Commissioners in the Isle of Man.

(4) In this Act, " enactment" includes an enactment of the Parliament of Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 1.

CONSTITUTION ETC. OF CROWN ESTATE COMMISSIONERS

1 (1) There shall be such number of commissioners, not exceeding eight, as Her Majesty may from time to time determine.

(2) One of them shall be appointed as first Crown Estate Commissioner and another may, if Her Majesty sees fit, be appointed as second Crown Estate Commissioner.

(3) The first Crown Estate Commissioner shall be chairman of the Commissioners, and the second Crown Estate Commissioner, if any, deputy chairman.

(4) The commissioners shall be appointed by Her Majesty, by warrant under the Royal Sign Manual.

(5) A commissioner shall hold and vacate his office in accordance with the terms of his warrant of appointment, and on vacating his office shall be eligible for re-appointment.

(6) There shall be paid to each commissioner such salary as the Treasury may determine.

2 (1) The Commissioners shall have an official seal, which shall be officially and judicially noticed.

(2) The Commissioners' seal shall be authenticated by the like signature as is required under sub-paragraph (3) below for documents which are to be signed on behalf or the Commissioners.

(3) Any document which is to be signed on behalf of the Commissioners shall be signed by a commissioner, or by a secretary of the office of the Commissioners, or by a person authorised by the Commissioners to act on behalf of a secretary of that 'office.

(4) Any document purporting to be sealed or signed in accordance with the foregoing provisions of this paragraph shall, unless the contrary is proved, be deemed to have been duly sealed or signed by or on behalf of the Commissioners without proof of the official character or handwriting of the person appearing to have authenticated the seal or signed the document.

3 The Commissioners shall have power to (regulate their own procedure, and at meetings of the Commissioners the quorum shall be such as the Commissioners may from time to time determine.

4 (1) The Commissioners may appoint, for employment in their office, such officers and servants as they may, with the approval of the Treasury as to numbers and conditions of service, determine.

(2) Where the Commissioners are empowered for the management of the Crown Estate to make appointments to the office of steward of a manor or to any other office, they may instead of making an appointment to that office depute any person appointed under sub-paragraph (1) above, or any person employed by theni in or in connection

with the management of the Crown Estate, to discharge the functions of the office either generally or for a particular purpose or a .particular occasion.

5 There shall continue to be paid out of moneys provided by Parliament the salaries of the commissioners and the expenses of their office, including the remuneration of persons appointed by them under sub-paragraph (1) of paragraph 4 above.

6 In relation to any order or regulations made by the Commissioners under this Act, the Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply as if in the Schedule to the Act of 1868 the Commissioners were included in the first column, and any person authorised under paragraph 2 above to sign documents on behalf of the Commissioners were mentioned in the second column.

SECOND SCHEDULE

Section 9.

SAVINGS AND TRANSITIONAL PROVISIONS

PART I

Provisions of Crown Lands Acts, 1829 to 1936, continued in force

1 (1) The following provisions of the Crown Lands Acts, 1829 to 1936 (which provide for the management of particular properties to be transferred from one authority to another), as amended by any subsequent enactment, shall continue in force, that is to say—

(a) sections twenty-one to twenty-three of the Crown Lands Act, 1851 (by virtue of which the Minister of Works and others have powers of management in the case of certain Royal parks and other land or buildings), together with the entry in the Schedule to that Act relating to an Act to provide for the care and preservation of Trafalgar Square in the City of Westminster ;

(b) section thirteen of the Crown Lands Act, 1927, so far as relates to the transfer of houses and grounds in royal forests, parks and chases from the management of the Minister of Works to the management of the Commissioners ;

(c) section nine of the Crown Lands Act, 1936, so far as relates to the transfer of certain parts of Regent's Park from the management of the Commissioners to the management of the Minister of Works ;

(d) section seven of the Crown Lands Act, 1906 (which relates to the management of Richmond and Kew Greens by the Richmond borough council).

(2) The continuance in. force of any enactment by sub-paragraph (1) above shall not be taken to except any other enactment from the repeal by this Act of the Crown Lands Acts, 1829 to 1936.

(3) Nothing in this Act shall affect the operation of any Order in Council made under paragraph (a) of subsection (1) of section nine of the Crown Lands Act, 1936 (which provided for the management of certain land occupied as part of the Royal Botanic Gardens, Kew).

2 There shall also continue in force the following provisions, as amended by any subsequent enactment, that is to say.—

(a) in the Crown Lands Act, 1829, sections one hundred to one hundred and five (which relate to the powers of verderers in a forest), so far as they remain applicable to the Forest of Dean ; and

(b) in the Crown Lands (Scotland) Act, 1833, sections seven and eight (which relate to the registration and effect in Scotland of certain documents), as applied by section seven of the Commissioners of Works Act, 1852 ; and

(c) in the Crown Lands Act, 1851, section fifteen (which, subject to the Minister of Works Act, 1942, specifies the persons to be Commissioners of Works); and

(d) in the Crown Lands Act, 1894, section six (which makes general provision about the implied surrender of Crown leases by the grant of a new lease); and

(e) in the Crown Lands Act, 1906—

(i) section three (which relates to the settlement of disputed claims about foreshore between the Commissioners and the Chancellor and Council of the Duchy of Lancaster), together with the supplementary provisions in sections ten and eleven ; and

(ii) so far as relates to land over which the Minister of Works exercises powers of management by virtue of section twenty-two of the Crown Lands Act, 1851, section six (which enables him to convey land for bridges to a bridge authority), but so that the references to the Crown Lands Acts, 1829 to 1894, shall be omitted and any conveyance shall be made and enrolled in like manner as on a sale under the Commissioners of Works Act, 1852.

PART II

Miscellaneous

3 (1) Except as provided by sections seven and eight of this Act, this Act shall not affect any question as to the application (otherwise than in the course of management of the Crown Estate or for the purpose of arrangements under subsection (5) of section five of this Act) of any income, proceeds of sale or other moneys arising from the property, rights or interests of the Crown, or any question as to the property, rights or interests to be placed under the management of the Commissioners ; and notwithstanding the repeal by this Act of section one hundred and twenty-seven of the Crown Lands Act, 1829, the possessions and land revenues of the Crown in Northern Ireland shall continue as heretofore to be inalienable except in the exercise of the powers of the Commissioners or otherwise under the authority of an Act of Parliament.

(2) The repeal by this Act of section nineteen of the Crown Lands (Scotland) Act, 1833 (which relates to the payment in Scotland of certain duties, fees, etc.), shall not affect any right of the Commissioners to demand and receive fees upon payment of duties or rents.

4 (1) Where by virtue of any enactment repealed by this Act a reference to any person or body of persons in an enactment not so repealed, or in any other instrument or document, is to be construed as referring to the Commissioners, the repeal shall

not affect the construction of that enactment, instrument or document; and for the purposes of subsection (4) of section one of the Crown Lands Act, 1927 (which provided for certain references to the Commissioners of Crown Lands or any of them to be construed as referring to those Commissioners as incorporated by that Act), and for the purposes of this sub-paragraph as it applies to that subsection, the Act and order mentioned in that subsection shall be deemed to have extended to Northern Ireland.

(2) Any regulations in force immediately before the commencement of this Act under section six of the Crown Lands Act, 1936 (which made provision similar to section six of this Act), shall after that commencement have effect as regulations under section six of this Act, and the provisions of this Act shall apply accordingly.

(3) The repeal by this Act of sections twenty-two to twenty-four of the Crown Lands Act, 1866, or of any enactment amending any of those sections shall not affect the powers exercisable under section twenty-two by virtue of any lease granted before the commencement of this Act by or on behalf of the Crown, or the obligations under those sections of any person exercising those powers.

5 (1) For the purpose of any enactment passed before this Act and not repealed by this Act, or of any instrument having effect under any such enactment, enrolment or deposit in the Public Record Office shall take the place of enrolment or deposit in the Office of Land Revenue Records and Inrolments, and the proper officer within the meaning of the Public Records Act, 1958, shall take the place of the Keeper of Land Revenue Records and Inrolments or his deputy, but this sub-paragraph shall be without prejudice to the operation of anything done under or for the purposes of any such enactment or instrument before the commencement of this Act.

(2) In relation to documents executed or made before the commemcernent of this Act, any enactment repealed by this Act shall continue to apply in -so far as it relates to the effect of enrolment or deposit in the Office of Land Revenue Records and Inrolments, or to the operation of any document evidencing or purporting to evidence enrolment or deposit in that office or the contents of documents so enrolled or deposited, but so that references to that office and to the Keeper of Land Revenue Records and Inrolments shall include references to the Public Record Office and to the proper officer within the meaning of the Public Records Act, 1958.

(3) Documents enrolled or deposited in the Public Record Office by virtue of this paragraph, and documents previously enrolled or deposited in the Office of Land Revenue Records and Inrolments, shall be treated for the purpose of the Public Records Act, 1958, as public records.

(4) The repeal by this Act of sections four, eight and nine of the Crown Lands (Scotland) Act, 1833 (which relate to the proof and effect of conveyances etc. affecting land in Scotland), shall not affect the operation or effect of deeds or instruments executed before the commencement of this Act, or the admissibility in evidence of duplicates of such deeds or instruments ; and an extract or certified copy of any such duplicate issued by the Keeper of the Registers of Scotland shall be admissible in evidence in like manner fas the duplicate, and notwithstanding the repeal by this Act of section five of the Crown Lands Act, 1873, shall continue to be registrable in the Books of Council and Session as before the passing of this Act.

(5) The repeal by this Act of sections seventy-one and seventy-two of the Crown Lands Act, 1829 (which relate to the proof and effect of conveyances ate. affecting land in Ireland), shall not affect the operation of deeds or instruments executed before the

commencement of this Act, or the admissibility in evidence of duplicates of such deeds or instruments ; and a certified copy of any such duplicate in the Public Record Office of Northern Ireland shall be admissible in evidence in like manner as the duplicate.

THIRD SCHEDULE

Sections 9 and 10.

REPEALS

PART I

Spent or Obsolete Enactments

Session and Chapter	Title or Short Title	Extent of Repeal
34 Edw. 1	Ordinatio Foreste	Cap. 5, and cap. 6 from " And moreover " onwards.
	Prerogativa Regis	In cap. 17, the words " knight's fees ", " and dowers when they fall", " fees ", and " and dowers ".
6 Hen. 8. c. 15.	An Act avoiding second letters patent granted by the King.	The whole Act.
20 Geo. 2. c. 50.	The Tenures Abolition Act, 1746.	Sections fourteen and fifteen
20 Geo. 2. c. 51.	The Sales to the Crown Act, 1746.	The whole Act.
59 Geo. 3. c. 94.	The Crown Land Act, 1819.	The whole Act, except as respects Scotland.
6 Geo. 4. c. 17.	The Crown Lands Act, 1825.	The whole Act.
3 & 4 Will. 4. c. 99.	The Fines Act, 1833	Sections twelve and thirteen.
6 & 7 Will. 4. c. 19.	The Durham (County Palatine) Act, 1836.	In section one, the words from " and all forfeitures " to " in right of the same ", and section nine.
6 & 7 Will 4. c. 28.	The Government Offices Security Act, 1836.	In section one, the words " or of the chief commissioner of His Majesty's woods, forests, land revenues, works and buildings " and " or chief commissioner "; in section two, the words " and for such chief commissioner" ; in section three, the words "

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		the said chief commissioner "; in section five, the words " or the said chief commissioner " and " such chief commissioner"; in section seven, the words " nor the said chief commissioner"; in section eight, the words " or of such chief commissioner" and "such chief commissioner"; in section ten, the words " such chief commissioner "; and in the form of certificate in the Schedule, the words "or to the Chief Commissioner of His Majesty's Woods, Forests, Land Revenues, Works and Buildings ".
6 & 7 Will. 4. c. 49.	An Act to enable the Master of the Rolls to demise part of the Rolls Estate to the Society of Judges and Serjeants.	The whole Act.
7 Will. 4. and 1 Vict. c. 46.	The Rolls Estate Act, 1837.	Sections one, two and five, the Schedule and the preamble.
1 & 2 Vict. c. 61.	The Government Offices Security Act, 1838.	In section one, the words " or of the said chief commissioner " and " or of such chief commissioner"; in section two, the words " and for such chief commissioner ", the words " such chief commissioner," and the words " chief commissioner " in both the other places where they occur.
7 & 8 Vict. c. 89.	The Commissioners of Woods (Audit) Act. 1844.	The whole Act.
21 & 22 Vict. c. 45.	The Durham County Palatine Act, 1858.	Section two except the words " nothing in this Act contained shall extend to the island called Holy Island situate in that part of the County Palatine of Durham called Islandshire "; section three; in section

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		four, the words " in the manner prescribed by the Crown Lands Act, 1829 "; sections five and six; and the preamble.
21 & 22 Vict. c. 72.	The Landed Estates Court (Ireland) Act, 1858.	In section sixty-two, the words " or apportion "; section sixty-eight from the beginning to " otherwise; and " and the words from " to purchase, with" to " made or ".
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868.	In section forty-six, the words " but is not under the management of the Board of Trade ".
42 & 43 Vict. c. 73.	The Commissioners of Woods (Thames Piers) Act, 1879.	The whole Act.
47 & 48 Vict. c. 71.	The Intestates Estates Act, 1884.	Sections four, six and seven as they apply in Northern Ireland to the estates of persons dying after the beginning of January, nineteen hundred and fifty-six.
54 & 55 Vict. c. 66.	The Local Registration of Title (Ireland) Act, 1891.	In section seventy-nine, the words from "and if" to " Board of Trade " and the words " or Board, as the case may be ".
3 Edw. 7. c. 31.	The Board of Agriculture and Fisheries Act, 1903.	In section one, subsection (7).
3 Edw. 7. c. 37.	The Irish Land Act, 1903.	In section sixty-one, subsections (4) and (5).
13 & 14 Geo. 5. c. 16.	The Salmon and Freshwater Fisheries Act, 1923.	In section forty-two, paragraph (b) and the word " other" in paragraph (e); in section ninety, the words from " and under " to " Trade respectively ", the words " or the Board of Trade, as the case may be ", and the words from " which consent onwards ".
15 & 16 Geo. 5. c. 21.	The Land Registration Act, 1925.	In section ninety-seven, in subsection (1), the words "to

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		the Board of Trade, and ", the word " also " in each place where it occurs, and the word " other " in paragraph (d).
20 & 21 Geo. 5. c. 44.	The Land Drainage Act, 1930.	In section seventy-seven, in subsection (1), the words " or the Board of Trade " and the words" or the Board " in paragraph (a).
12, 13 & 14 Geo. 6. c. 74.	The Coast Protection Act, 1949.	Part III.

PART II

General

Session and Chapter	Title or Short Title	Extent of Repeal
19 & 20 Car. 2. c. 8.	The Dean Forest Act, 1667.	Section six.
42 Geo. 3. c. 116.	The Land Tax Redemption Act, 1802.	In section one hundred and thirty-one, the words from " for the surveyor general of the land revenues " to " and ", where next occurring; in section one hundred and forty-six, the words " of the land revenue of the Crown, or ", and the word " respective" in both places.
48 Geo. 3. c. 72.	The Dean and New Forests Act, 1808.	Section six.
50 Geo. 3. c. ccxviii.	An Act for disafforesting the forest of South, otherwise East Bere otherwise Bier, in the county of Southampton, and for inclosing the open commonable lands within the said forest.	Section thirty-four, from " and shall " onwards.
52 Geo. 3. c. 71.	An Act for the better cultivation of navy timber in the Forest of Woolmer, in the County of Southampton.	Section three.
52 Geo. 3. c. 72.	An Act for the better cultivation of navy timber in the Forest of Alice Holt, in the County of Southampton.	Section four.

Session and Chapter	Title or Short Title	Extent of Repeal
52 Geo. 3. c. clxxi.	An Act for disafforesting the forest of Parkhurst in the county of Southampton, and for inclosing the open commonable lands within the said forest.	Sections thirty-nine and forty, section fifty-one from " such lands " onwards.
53 Geo. 3. c. 158.	An Act for vesting in His Majesty certain parts of Windsor Forest in the County of Berks; and for inclosing the open commonable land within the said forest.	Sections thirty-eight to forty.
55 Geo. 3. c. 138.	An Act for vesting in His Majesty certain parts of the Forest of Exmoor in the Counties of Somerset and Devon; and for inclosing the said forest.	Sections sixty-seven to sixty-nine.
55 Geo. 3. c. 190.	An Act to amend an Act made in the forty-eighth year of His present Majesty, to improve the land revenue of the Crown, so far as relates to the Great Forest of Brecknock in the County of Brecknock; and for vesting in His Majesty certain parts of the said forest; and for inclosing the said forest.	Sections two to four.
7 Geo. 4. c. 77.	A title which begins with the words " An Act to extend to Charing Cross" and ends with the words " to enable the Commissioners of His Majesty's Woods, Forests and Land Revenues to grant leases of the site of Carlton Palace ".	Sections seventy-seven to seventy-nine.
10 Geo. 4. c. 50.	The Crown Lands Act, 1829.	The whole Act, except in so far as it is continued in force by Part I of the Second Schedule to this Act.
1 & 2 Will. 4. c. 32.	The Game Act, 1831.	In section nine, the words from " nor the powers " to " land revenues of the Crown ".
2 & 3 Will. 4. c. 1.	The Crown Lands Act, 1832.	The whole Act.

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2 & 3 Will. 4. c. 112.	The Crown Lands (Scotland) Act, 1832.	The whole Act.
3 & 4 Will. 4. c. 69.	The Crown Lands (Scotland) Act, 1833.	The whole Act, except in so far as sections seven and eight are continued in force by Part I of the Second Schedule to this Act.
5 & 6 Will. 4. c. 58.	The Crown Lands (Scotland) Act, 1835.	Section one and the preamble.
5 & 6 Will. 4. c. 62.	The Statutory Declarations Act, 1835.	In section two, the words " the office of woods and forests, land revenues, works, and buildings."
1 & 2 Vict. c. 42.	The Dean Forest (Encroachments) Act, 1838.	Sections five and thirteen.
4 & 5 Vict. c. 40.	A title which begins with the words " An Act to empower " and ends with the words " City of London ".	The whole Act.
5 Vict. c. 1.	The Crown Lands Act, 1841.	The whole Act.
5 & 6 Vict. c. 94.	The Defence Act, 1842	Section forty.
7 & 8 Vict. c. 1.	A title which begins with the words " An Act to enlarge " and ends with the words " City of London ".	The whole Act.
8 & 9 Vict. c. 99.	The Crown Lands Act, 1845.	The whole Act.
11 & 12 Vict. c. 102.	The Crown Lands Act, 1848.	The whole Act, so far as unrepealed.
14 & 15 Vict. c. 42.	The Crown Lands Act, 1851.	The whole Act, except sections fifteen, twenty-one, twenty-two and twenty-three and the entry in the Schedule relating to the Act 7 & 8 Victoria c. 60; in section twenty-two, the words " or First Commissioner ", wherever occurring, the words " except as hereinafter provided", in both places, the words " of Woods or " and the words from " as the case may be " onwards.
14 & 15 Vict. c. 43.	An Act for disafforesting the Forest of Hainault in the County of Essex.	Section twelve.

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14 & 15 Vict. c. 46.	The Crown Lands (Copyholds) Act, 1851.	The whole Act, so far as unrepealed.
14 & 15 Vict. c. 76.	The New Forest Act, 1851.	Section eight.
15 & 16 Vict. c. 62.	The Crown Lands Act, 1852.	The whole Act.
16 & 17 Vict. c. 36.	The Whichwood Disafforesting Act, 1853.	Section twenty-nine from " and it shall be lawful" onwards.
16 & 17 Vict. c. 42.	The Whittlewood Disafforesting Act, 1853.	Section twenty from " and it shall be lawful " onwards.
16 & 17 Vict. c. 56.	The Crown Lands Act, 1853.	Sections five to eight and the preamble.
18 & 19 Vict. c. 16.	The Crown Lands Act, 1855.	The whole Act.
18 & 19 Vict. c. 46.	An Act for disafforesting the Forest of Woolmer.	Section fourteen.
19 & 20 Vict. c. 13.	An Act to make provision for the management of certain lands belonging to Her Majesty within the former limits of the late Forest of Delamere in the County of Chester.	The whole Act.
29 & 30 Vict. c. 62.	The Crown Lands Act, 1866.	The whole Act, so far as unrepealed.
29 & 30 Vict. c. 70.	An Act to extend the provisions for the inclosure, exchange and improvement of land in certain portions of the Forest of Dean called Walmore Common and the Bearce Common, and for authorizing allotments in lieu of the forestal rights of Her Majesty in and over such commons.	Section three.
36 & 37 Vict. c. 36.	The Crown Lands Act, 1873.	The whole Act, so far as unrepealed.
47 & 48 Vict. c. 54.	The Yorkshire Registries Act, 1884.	Section thirty, except as respects assurances executed or made before the commencement of this Act.
48 & 49 Vict. c. 79.	The Crown Lands Act, 1885.	The whole Act, so far as unrepealed.
50 & 51 Vict. c. 53.	The Escheat (Procedure) Act, 1887.	In section two, in subsection (1), the words

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		from " inquiries " to " or the holding of ", and subsection (3).
54 & 55 Vict. c. 66.	The Local Registration of Title (Ireland) Act, 1891.	In section seventy-eight, in subsection (3), the words "in the office of Land Revenue Records and Enrolments ", except as respects registrations made before the commencement of this Act.
55 & 56 Vict. c. 43.	The Military Lands Act, 1892.	In section ten, subsection (1) to the word " Crown", but without prejudice to the operation of subsection (2); in section twenty-four, the words from the first " or " to the second " Forest "; section twenty-seven, to the word " aforesaid ".
57 & 58 Vict. c. 43.	The Crown Lands Act, 1894.	The whole Act, except section six.
2 Edw. 7. c. 37.	The Osborne Estate Act, 1902.	In section one, subsection (3) to the word " but ".
6 Edw. 7. c. 28.	The Crown Lands Act, 1906i	Sections five and eight.
8 Edw. 7. c. 36.	The Small Holdings and Allotments Act, 1908.	In section forty, in subsection (2), the words from " in" where that word first occurs to " Treasurv ".
13 & 14 Geo. 5. c. 21.	The Forestry (Transfer of Woods) Act, 1923.	In subsection (1) of section one the words " Commissioners of Woods or other " and paragraph (a).
17 & 18 Geo. 5. c. 23.	The Crown Lands Act, 1927.	The whole Act, except section thirteen; and in section thirteen, paragraph (a) of subsection (1) and subsections (2) and (3).
17 & 18 Geo. 5. c. 36.	The Landlord and Tenant Act, 1927.	In the Second Schedule, in Part I, sub-paragraph (b) of paragraph 1.
26 Geo. 5 and 1 Edw. 8. c. 47.	The Crown Lands Act, 1936.	Sections six to eight; in section nine, paragraph (a) of subsection (1), and in subsection (3) the words " of the Royal Botanic

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		Gardens, Kew, or" and the words " as the case may be"; subsection (3) of section ten.
1 Edw. 8. and 1 Geo. 6. c. 35.	The Statutory Salaries Act, 1937.	In section two, in subsection (1), the words " of the Commissioners of Crown Lands ".
8 & 9 Geo. 6. c. 12.	The Northern Ireland (Miscellaneous Provisions) Act. 1945.	Section ten.
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act, 1948.	In section eighty-seven, subsection (3).
12, 13 & 14 Geo. 6. c. 75.	The Agricultural Holdings (Scotland) Act, 1949.	In section eighty-six, subsection (3).
2 & 3 Eliz. 2. c. 56.	The Landlord and Tenant Act, 1954.	In the Eighth Schedule, paragraph 3.
4 & 5 Eliz. 2. c. 73.	The Crown Estate Act, 1956.	The whole Act.
6 & 7 Eliz. 2. c. 63.	The Park Lane Improvement Act, 1958.	In section sixteen, in subsection (4), the words from " and the Crown Lands Acts " to " accordingly ".

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Crown Lands Act, 1702	1 Ann. c. 1.
Crown Lands Act. 1829	10 Geo. 4. c. 50.
Crown Lands (Scotland) Act, 1833	3 & 4 Will. 4. c. 69.
Crown Lands Act, 1851	14 & 15 Vict. c. 42.
Commissioners of Works Act, 1852	15 & 16 Vict. c. 28.
Crown Lands Act. 1866	29 & 30 Vict. c. 62.
Documentary Evidence Act, 1868	31 & 32 Vict. c. 37.
Parks Regulation Act, 1872	35 & 36 Vict. c. 15.
Crown Lands Act. 1873	36 & 37 Vict. c. 36.
Documentary Evidence Act, 1882	45 & 46 Vict. c. 9.
Parks Regulation Act 1894	57 & 58 Vict. c. 43.
Crown Lands Act. 1906	6 Edw. 7. c. 28.
Forestry (Transfer of Woods) Act, 1923	13 & 14 Geo. 5. c. 21.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Parks Regulation (Amendment) Act, 1926	16 & 17 Geo. 5. c. 36.

Short Title	Session and Chapter
Crown Lands Act, 1927	17 & 18 Geo. 5. c. 23.
Crown Lands Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 47.
Minister of Works Act, 1942	5 & 6 Geo. 6. c. 23.
New Parishes Measure, 1943	6 & 7 Geo. 6. No. 1.
Forestry Act, 1945	8 & 9 Geo. 6. c. 35.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Public Records Act, 1958	6 & 7 Eliz. 2. c. 51.