SCHEDULES

SCHEDULE 3

CROWN APPLICATION

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."

Commencement Information

- I1 Sch. 3 para. 6 in force at 6.8.2004 for specified purposes by S.I. 2004/2097, art. 2
- 12 Sch. 3 para. 6 in force at 7.6.2006 in so far as not already in force by S.I. 2006/1281, art. 2(c)
- 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.
- (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."

Commencement Information

- I3 Sch. 3 para. 7 in force at 6.8.2004 for specified purposes by S.I. 2004/2097, art. 2
- I4 Sch. 3 para. 7 in force at 7.6.2006 in so far as not already in force by S.I. 2006/1281, art. 2(c)
- 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—

[&]quot;"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—
 - "(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."

Commencement Information

- I5 Sch. 3 para. 8 in force at 6.8.2004 for specified purposes by S.I. 2004/2097, art. 2
- I6 Sch. 3 para. 8 in force at 7.6.2006 in so far as not already in force by S.I. 2006/1281, art. 2(c)

Changes to legislation:

Planning and Compulsory Purchase Act 2004, Cross Heading: Definitions is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to:

- specified provision(s) amendment to earlier commencing SI 2006/1061 art. 4 by S.I. 2010/321 art. 3
- specified provision(s) amendment to earlier commencing SI 2007/1369 art. 3 by S.I. 2010/321 art. 4

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

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provisions):
      s. 15A-15LH and cross-heading substituted for s. 15-37 and cross-heading by 2023
      c. 55 Sch. 7
     s. 38(2A) substituted for s. 38(2)(3) by 2023 c. 55 s. 92(3)
      s. 38(5A)-(5C) inserted by 2023 c. 55 s. 93(2)
      s. 38(9A) substituted for s. 38(9) by 2023 c. 55 s. 92(4)
      s. 38(9B) inserted by 2023 c. 55 s. 93(4)
      s. 38B(A1) inserted by 2023 c. 55 s. 98(2)
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- s. 38C(5)(d)(i)-(iii) and word substituted for words by 2023 c. 55 s. 99(2) s. 39(1)(ba) inserted by 2023 c. 55 Sch. 8 para. 21(b)
- s. 39A and cross-heading inserted by 2023 c. 55 s. 100

s. 38B(2B)(2C) inserted by 2023 c. 55 s. 98(3)

- s. 45(A1) inserted by 2011 c. 20 Sch. 8 para. 14(2)
- s. 113(1)(bb)-(bd) inserted by 2023 c. 55 Sch. 8 para. 23(2)(a)
- s. 113(9)(f)(g) inserted by 2023 c. 55 Sch. 8 para. 23(3)(c)
- s. 113(13) inserted by 2023 c. 55 Sch. 8 para. 23(5)
- s. 122(5)(za)(zb) inserted by 2023 c. 55 Sch. 8 para. 25(a)
- Sch. A2 para. 11(2)(da) inserted by 2023 c. 55 s. 99(3)(b)
- Sch. A1 para. 2(1A) inserted by 2023 c. 55 Sch. 8 para. 26(3)(b)
- Sch. A1 para. 6(1A) inserted by 2023 c. 55 Sch. 8 para. 26(7)(b)
- Sch. A1 para. 7ZC(1A) inserted by 2023 c. 55 Sch. 8 para. 26(11)(b)
- Sch. A1 para. 7C(1A) inserted by 2023 c. 55 Sch. 8 para. 26(14)(b)
- Sch. A1 para. 8(7A) inserted by 2023 c. 55 Sch. 8 para. 26(16)(g)
- Sch. A1 para. 1 substituted by 2023 c. 55 Sch. 8 para. 26(2)
- Sch. A1 para. 2(4) substituted by 2023 c. 55 Sch. 8 para. 26(3)(c)
- Sch. A1 para. 3(1) substituted by 2023 c. 55 Sch. 8 para. 26(4)(a)
- Sch. A1 para. 5 substituted by 2023 c. 55 Sch. 8 para. 26(6)
- Sch. A1 para. 6(4) substituted by 2023 c. 55 Sch. 8 para. 26(7)(c)
- Sch. A1 para. 7(1) substituted by 2023 c. 55 Sch. 8 para. 26(8)(a)
- Sch. A1 para. 7ZB substituted by 2023 c. 55 Sch. 8 para. 26(10)
- Sch. A1 para. 7ZC(4) substituted by 2023 c. 55 Sch. 8 para. 26(11)(c)
- Sch. A1 para. 7ZD(1) substituted by 2023 c. 55 Sch. 8 para. 26(12)(a)
- Sch. A1 para. 7B substituted by 2023 c. 55 Sch. 8 para. 26(13)
- Sch. A1 para. 7C(4) substituted by 2023 c. 55 Sch. 8 para. 26(14)(c)
- Sch. A1 para. 7D(1) substituted by 2023 c. 55 Sch. 8 para. 26(15)(a)
- Sch. A1 para. 10 substituted by 2023 c. 55 Sch. 8 para. 26(18)
- Sch. A2 para. 11(2)(ca) substituted for Sch. A2 para. 11(2)(c) by 2023 c. 55 s. 99(3)
- Sch. A1 para. 7ZA word substituted by 2023 c. 55 Sch. 8 para. 26(9)
- Sch. A1 para. 8(2)(a) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(ii)

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Sch. A1 para. 8(3)(b) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(c)
Sch. A1 para. 8(6) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(e)
Sch. A1 para. 8(7) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(iii)
Sch. A1 para. 9 word substituted by 2023 c. 55 Sch. 8 para. 26(17)
Sch. A1 para. 13(1) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(a)(iii)
Sch. A1 para. 13(2) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(b)
Sch. A1 para. 13(3) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(c)
Sch. A1 para. 13(1) words inserted by 2023 c. 55 Sch. 8 para. 26(20)(a)(ii)
Sch. A1 para. 3(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(4)(b)
Sch. A1 para. 7(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(8)(b)
Sch. A1 para. 7ZD(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(12)(b)
Sch. A1 para. 7D(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(15)(b)
Sch. A1 para. 2(1) words substituted by 2023 c. 55 Sch. 8 para. 26(3)(a)
Sch. A1 para. 3(4) words substituted by 2023 c. 55 Sch. 8 para. 26(4)(c)(i)
Sch. A1 para. 3(4) words substituted by 2023 c. 55 Sch. 8 para. 26(4)(c)(ii)
Sch. A1 para. 4 words substituted by 2023 c. 55 Sch. 8 para. 26(5)
Sch. A1 para. 6(1) words substituted by 2023 c. 55 Sch. 8 para. 26(7)(a)
Sch. A1 para. 7(4) words substituted by 2023 c. 55 Sch. 8 para. 26(8)(c)(i)
Sch. A1 para. 7(4) words substituted by 2023 c. 55 Sch. 8 para. 26(8)(c)(ii)
Sch. A1 para. 7ZC(1) words substituted by 2023 c. 55 Sch. 8 para. 26(11)(a)
Sch. A1 para. 7ZD(4) words substituted by 2023 c. 55 Sch. 8 para. 26(12)(c)(i)
Sch. A1 para. 7ZD(4) words substituted by 2023 c. 55 Sch. 8 para. 26(12)(c)(ii)
Sch. A1 para. 7C(1) words substituted by 2023 c. 55 Sch. 8 para. 26(14)(a)
Sch. A1 para. 7D(4) words substituted by 2023 c. 55 Sch. 8 para. 26(15)(c)(i)
Sch. A1 para. 7D(4) words substituted by 2023 c. 55 Sch. 8 para. 26(15)(c)(ii)
Sch. A1 para. 8(1) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(a)(i)
Sch. A1 para. 8(1) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(a)(ii)
Sch. A1 para. 8(2) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(i)
Sch. A1 para. 8(2)(a) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(iii)
Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(i)
Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(ii)
Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(iii)
Sch. A1 para. 8(7)(a) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(i)
Sch. A1 para. 8(7)(b) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(ii)
Sch. A1 para. 11 words substituted by 2023 c. 55 Sch. 8 para. 26(19)
Sch. A1 para. 13(1) words substituted by 2023 c. 55 Sch. 8 para. 26(20)(a)(i)
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