
STATUTORY INSTRUMENTS

1999 No. 677

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND**

**The Scottish Parliamentary Corporate
Body (Crown Status) Order 1999**

Made - - - - *10th March 1999*
Laid before Parliament *22nd March 1999*
Coming into force - - *6th May 1999*

At the Court at Buckingham Palace, the 10th day of March 1999

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 113 of, and paragraph 7 of Schedule 2 to, the Scotland Act 1998⁽¹⁾ and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Scottish Parliamentary Corporate Body (Crown Status) Order 1999 and shall come into force on 6th May 1999.

Town and Country Planning

2.—(1) The Parliamentary corporation shall be treated as a Crown body for the purposes of the Town and Country Planning (Scotland) Act 1997⁽²⁾ (in this article referred to as “the Planning Act”) and accordingly—

- (a) the interest of the Parliamentary corporation in any land shall be treated as a Crown interest, within the meaning of Part XII of that Act (application of Act to Crown land); and
- (b) any development carried out by or on behalf of the Parliamentary corporation shall be treated as development carried out by or on behalf of the Crown (and, accordingly, the

(1) 1998 c. 46. Article 6 of the Scotland Act 1998 (Transitional and Transitory Provisions) (Subordinate Legislation under the Act) Order 1998 (S.I. 1998/3216) modified the procedure to which this Order is subject.

(2) 1997 c. 8.

use of the land for the purposes of the Scottish Parliament shall be treated as use by or on behalf of the Crown);

and in relation to land which is Crown land, within the meaning of Part XII of the Planning Act, by virtue only of sub-paragraph (a) above, “the appropriate authority” for the purposes of that Part shall be the Parliamentary corporation.

(2) If the Parliamentary corporation is entitled to occupy Crown land, within the meaning of Part XII of the Planning Act, by virtue of a contract in writing, that contract shall be treated as a Crown interest, rather than a private interest, for the purposes of that Part.

(3) Paragraphs (1) and (2) above apply in relation to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997⁽³⁾ as they apply in relation to the Planning Act but as if—

- (a) references in those paragraphs to the Planning Act or Part XII of that Act were references to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 or, as the case may be, Part III of that Act; and
- (b) the references in paragraph (1)(b) above to development included references to works affecting a listed building and the demolition of a building in a conservation area.

(4) To the extent that the Parliamentary corporation has responsibility for the management of any land in which it has no interests, the Parliamentary corporation shall be treated as a government department for the purposes of the following enactments, which define “the appropriate authority” in relation to certain land belonging to Her Majesty in right of the Crown,—

- (a) section 242(2)(b) of the Planning Act; and
- (b) section 74(7)(b) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

(5) In this article “development” and “land” have the same meaning as in the Planning Act.

Ancient monuments and archaeological areas

3.—(1) The Parliamentary corporation shall be treated as a Crown body for the purposes of the Ancient Monuments and Archaeological Areas Act 1979⁽⁴⁾ (in this article referred to as “the 1979 Act”) and accordingly—

- (a) the interest of the Parliamentary corporation in any land shall be treated as a Crown interest, within the meaning of section 50 of that Act (application to Crown land);
- (b) any operations carried out by or on behalf of the Parliamentary corporation shall be treated as carried out by or on behalf of the Crown; and
- (c) the use of the land by the Parliamentary corporation for the purposes of the Scottish Parliament shall be treated as use by or on behalf of the Crown;

and in relation to land which is Crown land, within the meaning of section 50 of that Act, by virtue only of sub-paragraph (a) above, “the appropriate authority” for the purposes of that section shall be the Parliamentary corporation.

(2) To the extent that the Parliamentary corporation has responsibility for the management of any land in which it has no interests, the Parliamentary corporation shall be treated as a government department for the purposes of section 50(4)(a) of the 1979 Act, which defines “the appropriate authority” in relation to certain land belonging to Her Majesty in right of the Crown.

(3) In this article “land” has the same meaning as in the 1979 Act.

⁽³⁾ 1997 c. 9.

⁽⁴⁾ 1979 c. 46.

Building legislation

4. The Parliamentary corporation shall be treated as a Crown body for the purposes of the Building (Scotland) Act 1959⁽⁵⁾ and accordingly any building, within the meaning of that Act, an interest in which belongs to the Parliamentary corporation shall be treated as a Crown building for the purposes of section 26 of that Act (Crown rights) and, in relation to any such building, “the appropriate authority” for the purposes of that section shall be the Parliamentary corporation.

Fire precautions

5.—(1) The Parliamentary corporation shall be treated as a Crown body for the purposes of the Fire Precautions Act 1971⁽⁶⁾ and accordingly, for the purposes of section 40 of that Act⁽⁷⁾ (application of certain provisions of that Act to premises occupied by the Crown or owned by the Crown but not occupied by it)—

- (a) the occupation of any premises by the Parliamentary corporation shall be treated as occupation by the Crown; and
- (b) any premises in which the Parliamentary corporation has an interest which is that of an owner, within the meaning of that Act, shall be treated as premises owned by the Crown.

(2) The Parliamentary corporation shall be treated as a Crown body for the purposes of the Fire Precautions (Workplace) Regulations 1997⁽⁸⁾ (referred to in this article as “the 1997 Regulations”) and accordingly for the purposes of regulation 18 of those Regulations (application to the Crown)—

- (a) premises and workplaces owned by the Parliamentary corporation shall be treated as premises and workplaces owned by the Crown;
- (b) premises and workplaces owned by the Parliamentary corporation but not occupied by it shall be treated as premises and workplaces owned by the Crown but not occupied by it; and
- (c) premises occupied by the Parliamentary corporation shall be treated as premises occupied by the Crown.

(3) In paragraph (2) of this article, “premises” and “workplaces” have the same meaning as in the 1997 Regulations.

Value Added Tax

6. The Parliamentary corporation shall be treated as a Crown body for the purposes of the Value Added Tax Act 1994⁽⁹⁾ and accordingly for the purposes of section 41 of that Act (application to the Crown) it shall be treated as a government department.

Data protection

7.—(1) The Parliamentary corporation shall be treated as a Crown body for the purposes of the Data Protection Act 1984⁽¹⁰⁾ and accordingly—

(5) 1959 c. 24.

(6) 1971 c. 40.

(7) Section 40 was amended by the Health and Safety at Work etc. Act 1974 (c. 37), section 78(8); by the Criminal Justice Act 1982 (c. 48), section 46 and Schedule 14, paragraph 29; by the Building Act 1984 (c. 55), Schedule 7; by the Fire and Safety and Places of Sport Act 1987 (c. 27), section 18; by the Criminal Justice Act 1988 (c. 33), Schedule 16; by the National Health Service and Community Care Act 1990 (c. 19), Schedule 10; and by the Health Authorities Act 1995 (c. 17), Schedule 3.

(8) S.I. 1997/1840.

(9) 1994 c. 23.

(10) 1984 c. 35.

- (a) for the purposes of section 29(2)(a) of that Act (exemptions for certain information held by government departments) information held by the Parliamentary corporation shall be treated as information held by a government department;
- (b) for the purposes of section 31(1) of that Act (exemptions for certain personal data held by government departments) personal data held by the Parliamentary corporation shall be treated as personal data held by a government department;
- (c) for the purposes of section 38 of that Act (application to government departments etc.) the Parliamentary corporation shall be treated as a government department; and
- (d) employment under the Parliamentary corporation shall be treated for the purposes of that section as employment in the service of the Crown.

(2) In paragraph (1) of this article, “personal data” has the same meaning as in the Data Protection Act 1984.

(3) On the coming into force of each of the provisions of the Data Protection Act 1998(11)), the Parliamentary corporation shall be treated as a Crown body for the purposes of those provisions and accordingly—

- (a) for the purposes of section 30(3) of that Act (power to exempt certain information) information processed by the Parliamentary corporation shall be treated as information processed by a government department;
- (b) for the purposes of section 31 of that Act (exemptions for certain regulatory activities), of paragraph 5 of Schedule 2 to that Act (conditions relating to processing of personal data), and of paragraph 7 of Schedule 3 to that Act (conditions relating to processing of sensitive personal data) the functions of the Parliamentary corporation shall be treated as functions of the Crown;
- (c) for the purposes of section 63 of that Act (application to the Crown) the Parliamentary corporation shall be treated as a government department and employment under the Parliamentary corporation shall be treated as employment in the service of the Crown; and
- (d) for the purposes of paragraph 4 of Schedule 7 to that Act (power to exempt certain personal data) employment by or under the Parliamentary corporation shall be treated as employment by or under the Crown.

(4) In paragraph (3) of this article, “information processed” and “functions” shall have the same meanings as they have for the purposes of the Data Protection Act 1998.

A K Galloway
Clerk of the Privy Council

(11) 1998 c. 29.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the Scottish Parliamentary Corporate Body, established by section 21 of the Scotland Act 1998 (c. 46), to be treated as a Crown body for the purposes of—

- (a) the Town and Country Planning (Scotland) Act 1997 (c. 8);
- (b) the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c. 9);
- (c) the Ancient Monuments and Archaeological Areas Act 1979 (c. 46);
- (d) the Buildings (Scotland) Act 1959 (c. 24);
- (e) the Fire Precautions Act 1971 (c. 40);
- (f) the Fire Precautions (Workplace) Regulations 1997 (S.I.1997/1840);
- (g) the Value Added Tax Act 1994 (c. 23);
- (h) the Data Protection Act 1984 (c. 35); and
- (i) the Data Protection Act 1998 (c. 29).

It also makes provision consequential upon and supplementary to the foregoing provision.