



Transport and Works (Scotland) Act 2007

2007 asp 8

PART 1

ORDERS AUTHORISING WORKS ETC.

Power to make orders

3 Crown land

- (1) If the appropriate authority agrees—
 - (a) a relevant interest may be acquired compulsorily by virtue of an order under section 1,
 - (b) any provision of this Act or of such an order (other than a provision by virtue of which an interest in land is compulsorily acquired) may apply in relation to a Crown interest, and
 - (c) any provision of an order under section 18 may apply in relation to a relevant interest.
- (2) In subsection (1), “a relevant interest” is an interest (not being itself a Crown interest) which subsists in land in which there is a Crown interest.
- (3) In this section, “Crown interest” means an interest—
 - (a) belonging to Her Majesty in right of the Crown or in right of Her private estates,
 - (b) belonging to an office-holder in the Scottish Administration or to a government department,
 - (c) held in trust for Her Majesty for the purposes of the Scottish Administration by such an office-holder, or
 - (d) held in trust for Her Majesty for the purposes of a government department.
- (4) In this section, “the appropriate authority”, in the case of—
 - (a) land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners,
 - (b) other land belonging to Her Majesty in right of the Crown, means the office-holder in the Scottish Administration who, or as the case may be the government department which, has management of the land,

Status: This is the original version (as it was originally enacted).

- (c) 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 Scottish Ministers,
 - (d) land belonging to, or held in trust for Her Majesty for the purposes of the Scottish Administration by, such an office-holder, means that office-holder,
 - (e) land belonging to, or held in trust for Her Majesty for the purposes of, a government department, means that government department.
- (5) The references in subsections (3)(a) and (4)(c) to Her Majesty's private estates are to be construed in accordance with section 1 of the Crown Private Estates Act [1862 \(c. 37\)](#).
- (6) It is for the Scottish Ministers to determine, for the purposes of this section, any question arising as to what authority is the appropriate authority in relation to any land; and their determination is final.