



Forth Crossing Act 2011

2011 asp 2

PART 10

MISCELLANEOUS

78 Crown application

- (1) The appropriate authority may agree to any provision of this Act applying (with or without modifications) in relation to—
 - (a) a Crown interest, or
 - (b) an interest in land which—
 - (i) is not itself a Crown interest, but
 - (ii) subsists in land in which there is a Crown interest.
- (2) In this section, “Crown interest” means an interest in land—
 - (a) belonging to Her Majesty in right of the Crown,
 - (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.
- (3) 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 the government department which, has management of the land [^{F1}or the relevant person],
 - (c) land belonging to an office-holder in the Scottish Administration (or held by such an office-holder in trust for Her Majesty for the purposes of the Scottish Administration), means that office-holder,
 - (d) land belonging to a government department (or held in trust for Her Majesty for the purposes of a government department), means that government department.

Changes to legislation: There are currently no known outstanding effects for the Forth Crossing Act 2011, Section 78. (See end of Document for details)

[^{F2}(3A) In subsection (3), “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.]

- (4) Where Ministers are the appropriate authority, their agreement is deemed to be given for the purposes of this section when they exercise their powers under the relevant provision of this Act.
- (5) It is for Ministers to determine any question arising as to what authority is the appropriate authority in relation to any land; and their determination is final.

Textual Amendments

- F1** Words in s. 78(3)(b) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), [art. 1\(2\)](#), [Sch. 5 para. 43\(a\)](#)
- F2** S. 78(3A) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), [art. 1\(2\)](#), [Sch. 5 para. 43\(b\)](#)
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Commencement Information

- I1** S. 78 in force at 3.2.2011 by [S.S.I. 2011/38](#), [art. 2](#), [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Forth Crossing Act 2011, Section 78.