

Changes to legislation: There are currently no known outstanding effects for the Crown Estate Act 1961, SECOND SCHEDULE. (See end of Document for details)

SCHEDULES

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 ^{M1}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)
^{F1} . . . ;
 - (b) section thirteen of the ^{M2}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 ^{M3}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 ^{M4}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 ^{M5}Crown Lands Act 1936 (which provided for the management of certain land occupied as part of the Royal Botanic Gardens, Kew).

Textual Amendments

- F1** Words in [Sch. 2 para. 1\(1\)\(a\)](#) repealed (5.11.1993) by [Statute Law \(Repeals\) Act 1993 \(c. 50\)](#), s. 1(1), [Sch. 1 Pt. XIII](#)

Marginal Citations

- M1** [1851 c. 42.](#)
M2 [1927 c. 23.](#)

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M3 1936 c. 47.
M4 1906 c. 28.
M5 1936 c. 47.

- 2 There shall also continue in force the following provisions, as amended by any subsequent enactment, that is to say,—
- (a) ^{F2}
 - (b) in the ^{M6}Crown Lands (Scotland) Act 1833, [^{F3}section eight (which relates to the effect in Scotland of certain documents)]; and
 - (c) in the ^{M7}Crown Lands Act 1851, section fifteen (which, subject to the ^{M8}Minister of Works Act 1942 specifies the persons to be Commissioners of Works); and
 - (d) in the ^{M9}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 ^{M10}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 exercise powers of management by virtue of section twenty-two of the ^{M11}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 ^{M12}Commissioners of Works Act 1852.

Textual Amendments

- F2** Para. 2(a) repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\)](#), [Sch.](#)
F3 Words substituted by [Land Tenure Reform \(Scotland\) Act 1974 \(c. 38\)](#), [s. 20](#) for reference to ss. 7 and 8 as applied by [Commissioners of Works Act 1852 \(c. 28\)](#), [s. 7](#)

Marginal Citations

M6 1833 c. 69.
M7 1851 c. 42.
M8 1942 c. 23.
M9 1894 c. 43.
M10 1906 c. 28.
M11 1851 c. 42.
M12 1852 c. 28.

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

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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 ^{M13}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 ^{M14}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.

Marginal Citations

M13 1829 c. 50.

M14 1833 c. 69.

- 4 (1) Where by virtue of any enactment repealed by this Act a reference to any person or body or persons in any enactment not so repealed, or in any other instrument or document, is to be construed as referring to the Commissioners, the repeal shall not effect the construction of that enactment, instrument or document; and for the purposes of subsection (4) of section one of the ^{M15}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 ^{M16}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 ^{M17}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.

Marginal Citations

M15 1927 c. 23.

M16 1936 c. 47.

M17 1866 c. 62.

- 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

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the meaning of the ^{M18}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 commencement 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 ^{M19}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 ^{M20}Public Records Act 1958 as public records.
- (4) The repeal by this Act of sections four, eight and nine of the ^{M21}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 as the duplicate, and notwithstanding the repeal by this Act of section five of the ^{M22}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 ^{M23}Crown Lands Act 1829 (which relate to the proof and effect of conveyances etc. 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.

Marginal Citations

- M18** 1958 c. 51.
M19 1958 c. 51.
M20 1958 c. 51.
M21 1833 c. 69.
M22 1873 c. 36.
M23 1829 c. 50.

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