



Crown Lands Act 1936

1936 CHAPTER 47

PART II

MISCELLANEOUS PROVISIONS AS TO CROWN LANDS

5 Power to transfer Crown Lands to Forestry Commissioners

- (1) Subject to the provisions of this section, His Majesty, on the joint representation of the Commissioners of Crown Lands and the Forestry Commissioners, may by Order in Council transfer to and vest in the Forestry Commissioners all the estate and interest of His Majesty in any land in Great Britain purchased by the Commissioners of Crown Lands within six months before the date of the Order.
- (2) Any such Order in Council shall provide—
 - (a) that such sum as may be specified in the Order (hereafter referred to as the " capital sum "), being a sum equal to the price at which the land was so purchased together with the expenses incurred by the Commissioners of Crown Lands in connection with the purchase, shall be paid out of the Forestry Fund to the Commissioners of Crown Lands at such time as the Forestry Commissioners think fit, not being later than the expiration of one hundred years from the date of the Order;
 - (b) that until the capital sum is paid out of the said Fund there shall be paid annually out of the said Fund to the Commissioners of Crown Lands such other sums as may be specified in the Order, being such sums as the Commissioners of Crown Lands and the Forestry Commissioners, with the approval of the Treasury, may agree to be equivalent to a reasonable rent for the land;
 - (c) that the capital sum when paid shall be carried to the account of the capital of the land revenues of the Crown and applied accordingly and the said annual sums shall be treated as annual income of the land revenues of the Crown and applied accordingly.
- (3) In the event of the hereditary revenues which are by section one of the Civil List Act, 1936, directed to be carried to and made part of the Consolidated Fund of the United

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Kingdom ceasing to be carried to and made part of that Fund at any time before the capital sum payable by virtue of any such Order has been paid—

- (a) a sum equal to the said capital sum shall be paid forthwith out of that Fund or the growing produce thereof to the Commissioners of Crown Lands and carried to the account of the capital of the land revenues of the Crown and applied accordingly; and
 - (b) the said capital sum and the annual sums payable by virtue of the Order shall be paid, at the times provided in the Order, into the Exchequer instead of to the Commissioners of Crown Lands.
- (4) The provisions of this section shall be in addition to and not in derogation of the provisions of section one of the Forestry (Transfer of Woods) Act, 1923.

6 Power to make regulations for Crown Lands used by the public

- (1) Subject to the provisions of this section, the Commissioners of Crown Lands may make such regulations to be observed by persons using any land to which this section applies as they consider necessary for securing the proper management of the land and the preservation of order and prevention of abuses therein, and subsection (2) of section two of the Parks Regulation (Amendment) Act, 1926 (which requires regulations made thereunder to be laid before Parliament) shall apply to regulations made under this section as it applies to regulations made under that Act.
- (2) On and after the date on which any regulations made under this section come into operation as respects any land, the provisions of the Parks Regulation Act, 1872, shall apply to that land as they apply to a park to which that Act applies and as if references to the Commissioners of Works included references to the Commissioners of Crown Lands and as if references to regulations included references to regulations made under this section.
- (3) If any person fails to comply with or acts in contravention of any regulations made under this section, he shall be guilty of an offence against the Parks Regulation Act, 1872, and shall be liable on conviction thereof by a court of summary jurisdiction to a penalty not exceeding five pounds.
- (4) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Commissioners of Crown Lands as though those Commissioners were included in the first column of the Schedule to the first-mentioned Act and as if the Commissioners or any person authorised to act on behalf of the Commissioners were mentioned in the second column of that Schedule and as if the regulations referred to in those Acts included any regulations made under this section.
- (5) This section applies to any land in Great Britain, the management of which is vested in the Commissioners of Crown Lands under the Crown Lands Acts, 1829 to 1927, and to which the public are allowed access from time to time.

7 Powers of Commissioners of Crown Lands as to highways

Section eleven of the Crown Lands Act, 1927 (which empowers the Commissioners of Crown Lands in certain circumstances to appropriate Crown land for streets and other purposes) shall have effect and be deemed always to have had effect as if the following two subsections were inserted immediately after subsection (1) thereof:—

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“(1A) In regard to the dedication of any Crown land for the purposes of a public highway, the Commissioners of Crown Lands shall be in the same position as if they were absolute owners of the land.

(1B) The Commissioners of Crown Lands shall have power—

- (a) to consent to the diversion of a highway over any Crown land under section eighty-five of the Highway Act, 1835; and
- (b) to consent to any such road as is mentioned in section thirty-six of the Highway Act, 1862, being declared a public highway;

and any consent so given shall be as valid and effectual for all purposes as if made or given by an absolute owner of the land.”

8 Minor amendments of Crown Lands Acts

- (1) The authority, approval or consent of the Treasury, when required for the purpose of this Part of this Act or of any provision of the Crown Lands Acts, 1829 to 1927, or of any such provision as applied for the purpose of any other enactment, may be given either generally or for any class of case or for any particular case, and may be signified under the hand of a Secretary to the Treasury or of some person authorised in that behalf by the Treasury.
- (2) All moneys invested after the commencement of this Act in pursuance of section one hundred and nine of the Crown Lands Act, 1829, or section one of the Crown Lands Act, 1894, shall, instead of being invested in the name of the Treasury as required by those sections, be invested—
 - (a) in the case of moneys invested in any manner authorised by any of the provisions of section one of the Trustee Act, 1925, other than the provisions of paragraph (b) of subsection (1) of that section, in the name of the National Debt Commissioners; and
 - (b) in the case of moneys invested in any other manner, in the name of the Commissioners of Crown Lands;and in section one hundred and eleven of the Crown Lands Act, 1829, a reference to the National Debt Commissioners shall be substituted for the reference to the Treasury.
- (3) Notwithstanding anything in section sixty-one of the Crown Lands Act, 1829, a person employed to make a survey or estimate under that section shall not be required to annex thereto an oath or affirmation.
- (4) The definition of " land " in subsection (1) of section twenty-two of the Crown Lands Act, 1927, shall have effect as if for the word " corporeal," where it secondly occurs, there were substituted the word " incorporeal. "
- (5) Section one of the Crown Lands Act, 1845 (which contains provisions as to leases which are superseded by the provisions of section four of the Crown Lands Act, 1927) shall cease to have effect.

9 Power to transfer the management of certain Crown Lands

- (1) Subject to the provisions of this section, His Majesty—
 - (a) on the joint representation of the Commissioners of Crown Lands and the Minister of Agriculture and Fisheries, may from time to time by Order in Council transfer to that Minister all or any of the powers of management of

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those Commissioners over any land occupied as part of the Royal Botanic Gardens, Kew; and

- (b) on the joint representation of the Commissioners of Crown Lands and the Commissioners of Works, may from time to time by Order in Council transfer to the Commissioners of Works all or any of the powers of management of the Commissioners of Crown Lands over any land situate within the road known as the Outer Circle in Regent's Park in London:

Provided that the powers transferred by any such Order shall not include a power to sell or (without the consent of the Commissioners of Crown Lands) to lease the land in respect of which the transfer is made.

- (2) The powers transferred by any such Order may be transferred for such period and subject to such conditions as may be specified in the Order:

Provided that the period for which any power is so transferred shall expire if and when the hereditary revenues which are by section one of the Civil List Act, 1936, directed to be carried to and made part of the Consolidated Fund of the United Kingdom cease at any time to be carried to and made part of that Fund,

- (3) An Order made under this section may provide that, during the period for which powers of management over any land are transferred by the Order, that land shall, for the purpose of the provisions of the Parks Regulation Acts, 1872 and 1926, and any regulations made thereunder, be treated as if it were part of the Royal Botanic Gardens, Kew, or of Regent's Park, as the case may be.