Planning (Hazardous Substances) (Scotland) Act 1997

1997 CHAPTER 10

General

31 Exercise of powers in relation to Crown land.

[F1](1) . . . . . .

[F1](2) . . . . . .

(3) In this section—

"Crown land" means land in which there is a Crown interest, and

[[F2]"Crown interest" means any of the following—

((a)) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates,

((b)) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department,

((c)) such other interest as the Scottish Ministers specify by order.**]**

(4) A person who is entitled to occupy Crown land by virtue of a contract in writing shall be treated for the purposes of subsection (1) as having an interest in land.

(5) For the purposes of this section "the appropriate authority", in relation to any land—

(a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners,

(b) in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land **[**[F3]or the relevant person**]**, and

[[F4](ba) in relation to 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,**]**

(c) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department.

[[F5](5A) In subsection (5), "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.**]**

(6) If any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

[[F6](7) References to Her Majesty's private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37).

(8) An order made for the purposes of paragraph (c) of the definition of Crown interest in subsection (3) must be made by statutory instrument.

(9) But no such order may be made unless a draft of it has been laid before and approved by resolution of the Scottish Parliament.**]**

Textual Amendments

F1 S. 31(1)(2) repealed (20.3.2006 for specified purposes, 12.6.2006 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), s. 121(4), Sch. 5 para. 8(2), **Sch. 9** (with s. 111); S.S.I. 2006/101, art. 2, sch.; S.S.I. 2006/268, art. 3(e)(f)

F2 Words in s. 31(3) substituted (20.3.2006 for specified purposes, 12.6.2006 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), s. 121(4), **Sch. 5 para. 8(3)** (with s. 111); S.S.I. 2006/101, art. 2, sch.; S.S.I. 2006/268, art. 3(f)

F3 Words in s. 31(5)(b) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), **Sch. 5 para. 27(a)**

F4 S. 31(5)(ba) inserted (20.3.2006 for specified purposes, 12.6.2006 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), s. 121(4), **Sch. 5 para. 8(4)** (with s. 111); S.S.I. 2006/101, art. 2, sch.; S.S.I. 2006/268, art. 3(f)

F5 S. 31(5A) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), **Sch. 5 para. 27(b)**

F6 S. 31(7)-(9) inserted (20.3.2006 for specified purposes, 12.6.2006 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), s. 121(4), **Sch. 5 para. 8(5)** (with s. 111); S.S.I. 2006/101, art. 2, sch.; S.S.I. 2006/268, art. 3(f)

Changes to legislation:
There are currently no known outstanding effects for the Planning (Hazardous Substances) (Scotland) Act 1997, Section 31.