

SCHEDULES

SCHEDULE 19

APPLICATION OF PART 7 TO CROWN LAND

PART 1

GENERAL

Application of Part 7

- 1 Part 7 applies in relation to Crown land as it applies in relation to any other land, subject to the provisions of this Schedule.

Interpretation

- 2 (1) In this Schedule—
- (a) “Crown land” means land in relation which there is an estate in land of a kind listed in column 1 of the following Table, and
 - (b) “the appropriate authority”, in relation to any Crown land, means the authority specified in column 2 for the estate in land in question.

<i>Estate in land</i>	<i>Appropriate authority</i>
Estate belonging to Her Majesty in right of the Crown (other than estate vesting as bona vacantia)	The Crown Estate Commissioners or other government department having management of the land
Estate vesting in Her Majesty in right of the Crown as bona vacantia	The Treasury Solicitor
Estate belonging to Her Majesty in right of Her private estates	A person appointed by Her Majesty under the Royal Sign Manual, or, if no such appointment is made, the Secretary of State
Estate belonging to Her Majesty in right of the Duchy of Lancaster	The Chancellor of the Duchy of Lancaster
Estate belonging to the Duchy of Cornwall	Such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints
Estate belonging to a government department or held in trust for Her Majesty for the purposes of a government department	That department

- (2) References in this Schedule to Part 7 are to Part 7 of this Act (apart from this Schedule and Schedule 20).

Status: This is the original version (as it was originally enacted).

- (3) If any question arises as to what authority is the appropriate authority in relation to any Crown land, that question is to be referred to the Treasury, whose decision is final.
- (4) In this paragraph the reference to Her Majesty's private estates is to be read in accordance with section 1 of the Crown Private Estates Act 1862.

Demesne land

- 3 (1) Where land belongs to Her Majesty in right of the Crown but is not held for an estate in fee simple absolute in possession—
 - (a) Her Majesty in right of the Crown is to be regarded for the purposes of Part 7 and this Schedule as holding an estate in fee simple absolute in possession in the land, and
 - (b) any estate granted or created out of the land is to be regarded for those purposes as derived from that estate in fee simple.
- (2) The land referred to in sub-paragraph (1) does not include land which becomes subject to escheat on the determination of an estate in fee simple absolute in possession in the land if—
 - (a) it is land to which an obligation under a conservation covenant related when the estate determined, or
 - (b) it is not land to which such an obligation related at that time and Her Majesty in right of the Crown has not taken possession or control of the land, or entered into occupation of it.

Land subject to escheat

- 4 (1) This paragraph applies where land becomes subject to escheat on the determination of an estate in fee simple absolute in possession in land to which an obligation under a conservation covenant relates.
- (2) The conservation covenant is not terminated on the determination of that estate, even though the appropriate authority has no liability in respect of the obligation unless and until the Crown—
 - (a) takes possession or control of the land, or enters into occupation of it, or
 - (b) becomes the holder of—
 - (i) an estate granted by the Crown out of the land, or
 - (ii) an estate in land derived (whether immediately or otherwise) from an estate falling within sub-paragraph (i).
- (3) If the Crown takes possession or control of the land, or enters into occupation of it—
 - (a) the Crown is to be regarded for the purposes of Part 7 and this Schedule as holding an estate in fee simple in possession in the land, and
 - (b) that estate is to be regarded for those purposes as immediately derived from the determined estate.
- (4) If the Crown grants an estate out of the land after having previously taken possession or control of the land, or entered into occupation of it, the estate is to be regarded for the purposes of Part 7 and this Schedule as immediately derived from the estate mentioned in sub-paragraph (3)(a).

- (5) But if the Crown grants an estate out of the land without having previously taken possession or control of the land, or entered into occupation of it—
- (a) the acts of the Crown in granting that estate are not to be regarded for the purposes of Part 7 and this Schedule as taking possession or control of the land, or entering into occupation of it, and
 - (b) the new estate is to be regarded for those purposes as immediately derived from the determined estate.
- (6) In this paragraph and paragraph 5 “the Crown” means Her Majesty in right of the Crown or of the Duchy of Lancaster, or the Duchy of Cornwall, as the case may be.

Bona vacantia

- 5 (1) This paragraph applies where an estate in land to which an obligation of the landowner under a conservation covenant relates vests in the Crown as bona vacantia.
- (2) The appropriate authority has no liability in respect of the obligation in relation to any period before the Crown takes possession or control of the land or enters into occupation of it.