



High Hedges (Scotland) Act 2013

2013 asp 6

General

37 Crown application

- (1) No contravention by the Crown of any provision made by or under this Act makes the Crown criminally liable.
- (2) Despite subsection (1), any provision made by or under this Act applies to persons in the public service of the Crown as it applies to other persons.
- (3) The powers conferred by sections 18, 19 and 22 are exercisable in relation to Crown land only with the consent of the appropriate authority.
- (4) For the purposes of subsection (3), land is “Crown land” if an interest in the land—
 - (a) belongs to Her Majesty in right of the Crown or in right of Her private estates,
 - (b) belongs to an office-holder in the Scottish Administration or to a Government department,
 - (c) is held in trust for Her Majesty for the purposes of the Scottish Administration or a Government department.
- (5) In subsection (3) “appropriate authority” means—
 - (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners,
 - (b) in the case of any other land belonging to Her Majesty in right of the Crown, the office-holder in the Scottish Administration or, as the case may be, Government department having the management of the land [^{F1}or the relevant person],
 - (c) in the case of land belonging to Her Majesty in right of Her private estates, a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers,
 - (d) in the case of land belonging to an office-holder in the Scottish Administration or to a Government department or held in trust for Her Majesty for the purposes of the Scottish Administration or a Government department, the office-holder or Government department.
- (6) Any reference in this section to Her Majesty's private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c.37).

Changes to legislation: There are currently no known outstanding effects for the High Hedges (Scotland) Act 2013, Section 37. (See end of Document for details)

- (7) If a dispute arises in relation to the meaning of “appropriate authority” in the case of any land—
- (a) it is for the Scottish Ministers to determine the appropriate authority, and
 - (b) the Scottish Ministers' decision is final.
- (8) In this section “Government department” means a department of the United Kingdom Government [^{F2}and “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].

Textual Amendments

- F1** Words in s. 37(5)(b) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 45(a)**
- F2** Words in s. 37(8) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 45(b)**
-

Commencement Information

- I1** S. 37 in force at 1.4.2014 by [S.S.I. 2014/54](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the High Hedges (Scotland) Act 2013, Section 37.