

## SCHEDULE 2

*(introduced by section 7(2))*

### CROWN LAND

- 1 A power of entry conferred by a provision of schedule 1, or a warrant granted under such a provision, is exercisable in relation to Crown land only with the consent of the appropriate authority.
- 2 (1) In paragraph 1, “Crown land” means land an interest in which—
- (a) belongs to Her Majesty—
    - (i) in right of the Crown, or
    - (ii) in right of Her private estates,
  - (b) belongs to—
    - (i) an office-holder in the Scottish Administration, or
    - (ii) a Government Department, or
  - (c) is held in trust for Her Majesty for the purposes of the Scottish Administration or a Government Department.
- (2) In paragraph 1, “appropriate authority” in relation to 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 the case of other land belonging to Her Majesty in right of the Crown, means—
    - (i) where an office-holder in the Scottish Administration has the management of the land, the office-holder,
    - (ii) where a Government Department has the management of the land, the Government Department, or
    - (iii) where the land is land to which section 90B(5) of the Scotland Act 1998 applies, the person who has the management of that land,
  - (c) in the case of 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,
  - (d) in the case of land—
    - (i) belonging to an office-holder in the Scottish Administration or to a Government Department, or
    - (ii) held in trust for Her Majesty for the purposes of the Scottish Administration or a Government Department,means the relevant office-holder or (as the case may be) Government Department.
- 3 (1) In paragraph 2—
- (a) “Government Department” means a department of the Government of the United Kingdom,
  - (b) the references to Her Majesty’s private estates are to be construed in accordance with section 1 of the Crown Private Estates Act 1862.
- (2) It is for the Scottish Ministers to determine any question that arises as to who in accordance with paragraph 2 is the appropriate authority in relation to any land (and their decision is final).