



Harbours Act 1964

1964 CHAPTER 40

Miscellaneous and General

52 Application of Act to Crown.

- (1) An interest in land in which there is a Crown or Duchy interest may, if the appropriate authority consent to the acquisition thereof, be acquired compulsorily by virtue of this Act, and a power (other than one to acquire land compulsorily) may, if the appropriate authority consent to its being so conferred, be conferred by a harbour revision or empowerment order in relation to land in which there is a Crown or Duchy interest.
- (2) In this section “Crown or Duchy interest” means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department, and “the appropriate authority” has the same meaning as in [F1 subsection (2) of section 293 of the Town and Country Planning Act 1990; and the provisions of subsection (3) of that section] as to the determination of questions shall apply for the purposes of this section.
- (3) In the application of this section to Scotland—
 - (a) in subsection (1) for references to a Crown or Duchy interest there shall be substituted references to a Crown interest;
 - (b) subsection (2) shall not apply; and
 - (c) “Crown interest” means an interest belonging to Her Majesty in right of the Crown or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, and the “appropriate authority”—
 - (i) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown estate means the Crown Estate Commissioners, and, 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 [F2 or the relevant person]; and

Status: Point in time view as at 31/03/2023.

Changes to legislation: Harbours Act 1964, Section 52 is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

[^{F3}(3A) In subsection (3), “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.]

(4) If any question arises as to what authority is the appropriate authority in relation to any land for the purposes of the last foregoing subsection, that question shall be referred to the Treasury, whose decision shall be final.

Textual Amendments

- F1** Words substituted by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 11](#)
- F2** Words in s. 52(3)(c)(i) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 10\(a\)](#)
- F3** S. 52(3A) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 10\(b\)](#)
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Modifications etc. (not altering text)

- C1** S. 52 amended by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), s. 42(4)(b)

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