



Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

1997 CHAPTER 9

PART III

GENERAL

Special cases

[^{F1}73C Expressions relating to the Crown

- (1) Expressions relating to the Crown must be construed in accordance with this section.
- (2) Crown land is land in which there is a Crown interest.
- (3) A Crown interest is 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 private interest is an interest which is not a Crown interest.
- (5) The appropriate authority in relation to any land is—
 - (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 relation to any other land belonging to Her Majesty in right of the Crown, the government department having the management of the land [^{F2}or the relevant person] ,
 - (c) in relation to 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,

Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 73C is up to date with all changes known to be in force on or before 23 May 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) [View outstanding changes](#)

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

[In subsection (5), “relevant person”, in relation to any land to which section 90B(5)^{F3}(5A) 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 it must be referred to the Scottish Ministers, whose decision is final.
- (7) For the purpose of an application for listed building consent made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which the Crown has no interest, a reference to the appropriate authority must be construed as a reference to the person who makes the application.
- (8) The reference to Her Majesty’s private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37).
- (9) An order made for the purposes of paragraph (c) of subsection (3) must be made by statutory instrument.
- (10) But no such order may be made unless a draft of it has been laid before and approved by resolution of the Scottish Parliament.
- (11) This section applies for the purposes of this Act.]

Textual Amendments

- F1** S. 73C 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. 7](#) (with s. 111); S.S.I. 2006/101, art. 2, sch.; S.S.I. 2006/268, art. 3(f)
- F2** Words in s. 73C(5)(b) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 28\(3\)\(a\)](#)
- F3** S. 73C(5A) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 28\(3\)\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 82(1)(aa)-(ad) inserted by [2006 asp 17 s. 55\(5\)](#)