
STATUTORY INSTRUMENTS

1992 No. 1732

PARLIAMENT

**The Parliamentary Corporate Bodies
(Crown Immunities etc.) Order 1992**

<i>Made</i>	- - - -	<i>15th July 1992</i>
<i>Laid before Parliament</i>		<i>16th July 1992</i>
<i>Coming into force</i>	- -	<i>17th July 1992</i>

At the Court at Buckingham Palace, the 15th day of July 1992

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 1(6) and 2(6) of the Parliamentary Corporate Bodies Act 1992(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Parliamentary Corporate Bodies (Crown Immunities etc.) Order 1992 and shall come into force on 17th July 1992.

(2) In this Order “Corporate Officer” means either the Corporate Officer of the House of Lords or the Corporate Officer of the House of Commons and “the Corporate Officers” means those two Corporate Officers acting jointly.

(3) For the purposes of this Order a licence shall not be regarded as an interest in land.

Town and country planning legislation

2.—(1) For the purposes of the Town and Country Planning Act 1990(2) (in this article referred to as “the Planning Act”)—

(a) the interest of a Corporate Officer or the Corporate Officers in any land shall be regarded as a Crown interest, within the meaning of Part XIII of that Act (application of Act to Crown land); and

(1) 1992 c. 27.
(2) 1990 c. 8.

- (b) any development carried out by or on behalf of a Corporate Officer or the Corporate Officers shall be regarded as development carried out by or on behalf of the Crown (and, accordingly, the use of the land for the purposes of the House of Lords, the House of Commons or both those Houses shall be regarded as use by or on behalf of the Crown);

and in relation to land which is Crown land, within the meaning of Part XIII of the Planning Act, by virtue only of sub-paragraph (a) above, “the appropriate authority” for the purposes of that Part shall be the Corporate Officer or, as the case may be, the Corporate Officers in whom is vested the interest in the land.

(2) If a Corporate Officer or the Corporate Officers is or are entitled to occupy Crown land, within the meaning of Part XIII of the Planning Act, by virtue of a licence in writing, that licence shall be regarded as a Crown interest, rather than a private interest, for the purposes of that Part.

(3) Paragraphs (1) and (2) above apply in relation to the Planning (Listed Buildings and Conservation Areas) Act 1990⁽³⁾ as if—

- (a) references in those paragraphs to the Planning Act or Part XIII of that Act were references to the Planning (Listed Buildings and Conservation Areas) Act 1990 or, as the case may be, Part III of that Act; and
- (b) the references in paragraph (1)(b) above to development included references to works affecting a listed building and the demolition of a building in a conservation area.

(4) To the extent that a Corporate Officer or the Corporate Officers has or have responsibility for the management of any land in which he or they has or have no interest but which forms part of the Palace of Westminster, the Corporate Officer or Corporate Officers shall be regarded as having the status of a government department for the purposes of the following enactments, which define “the appropriate authority” in relation to certain land belonging to Her Majesty in right of the Crown,—

- (a) section 293(2)(b) of the Planning Act; and
- (b) section 83(7)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(5) In this article “development” and “land” have the same meaning as in the Planning Act.

Ancient monuments and archaeological areas

3.—(1) For the purposes of the Ancient Monuments and Archaeological Areas Act 1979⁽⁴⁾ (in this article referred to as “the 1979 Act”)—

- (a) the interest of a Corporate Officer or the Corporate Officers in any land shall be regarded as a Crown interest, within the meaning of section 50 of that Act (application to Crown land);
- (b) any operations carried out by or on behalf of a Corporate Officer or the Corporate Officers shall be regarded as carried out by or on behalf of the Crown; and
- (c) the use of the land for the purposes of the House of Lords, the House of Commons or both those Houses shall be regarded as use by or on behalf of the Crown;

and in relation to land which is Crown land, within the meaning of section 50 of the Act, by virtue only of sub-paragraph (a) above, “the appropriate authority” for the purposes of that section shall be the Corporate Officer or, as the case may be, the Corporate Officers in whom is vested the interest in the land.

(2) To the extent that a Corporate Officer or the Corporate Officers has or have responsibility for the management of any land in which he or they has or have no interest but which forms part of the Palace of Westminster, the Corporate Officer or Corporate Officers shall be regarded as having the status of a government department for the purposes of section 50(4)(a) of the 1979 Act, which

(3) 1990 c. 9.

(4) 1979 c. 46.

defines “the appropriate authority” in relation to certain land belonging to Her Majesty in right of the Crown.

(3) In this article “land” has the same meaning as in the 1979 Act.

Building legislation

4.—(1) For the purposes of Part I of the Building Act 1984⁽⁵⁾,—

- (a) the interest of a Corporate Officer or the Corporate Officers in any land shall be regarded as a Crown interest, within the meaning of section 44 of that Act (application to Crown); and
- (b) a Corporate Officer or the Corporate Officers shall be regarded as a Crown authority for the purposes of that section.

(2) For the purposes of section 87 of that Act (application of certain provisions of that Act to Crown property)—

- (a) any property consisting of a house, building or other premises comprised in land in which a Corporate Officer or the Corporate Officers has or have an interest shall be treated as property belonging to Her Majesty in right of the Crown;
- (b) in the case of any property which belongs to Her Majesty in right of the Crown by virtue only of sub-paragraph (a) above, the “appropriate authority” shall be the Corporate Officer or, as the case may be, the Corporate Officers in whom the property is vested; and
- (c) to the extent that a Corporate Officer or the Corporate Officers has or have responsibility for the management of any property in which he or they has or have no interest but which forms part of the Palace of Westminster, the Corporate Officer or the Corporate Officers shall be regarded as having the status of a government department for the purposes of subsection (4)(a) of that section and, accordingly, as being “the appropriate authority” in the case of such property.

(3) For the purposes of section 151 of the London Building Acts (Amendment) Act 1939⁽⁶⁾ (Crown exemptions from the London Building Acts)—

- (a) any building, structure or work comprised in land in which a Corporate Officer or the Corporate Officers has or have an interest shall be treated as vested in Her Majesty as mentioned in subsection (1)(a) of that section; and
- (b) any building, structure or work in the occupation of a Corporate Officer or the Corporate Officers for the purposes of the House of Lords, the House of Commons or both those Houses shall be regarded as in the occupation of Her Majesty as so mentioned.

Fire precautions

5. For the purposes of section 40 of the Fire Precautions Act 1971⁽⁷⁾ (application of certain provisions of that Act to premises occupied by the Crown or owned by the Crown but not occupied by it)—

- (a) the occupation of any premises by a Corporate Officer or the Corporate Officers for the purposes of the House of Lords, the House of Commons or both those Houses shall be regarded as occupation by the Crown; and
- (b) any premises in which the Corporate Officer or the Corporate Officers has or have an interest which is that of an owner, within the meaning of that Act, shall be regarded as premises owned by the Crown.

⁽⁵⁾ 1984 c. 55.

⁽⁶⁾ 1939 c. xcvi.

⁽⁷⁾ 1971 c. 40.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

G.I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order puts the Corporate Officer of the House of Lords and the Corporate Officer of the House of Commons in a corresponding position to that of the Crown for the purposes of the application to them of:

- (a) the Town and Country Planning Act 1990;
- (b) the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (c) the Ancient Monuments and Archaeological Areas Act 1979;
- (d) the Building Act 1984 and the London Building Acts;
- (e) the Fire Precautions Act 1971.

To that end it provides that any interest of the Corporate Officers in land and their occupation of land for the purposes of the House of Lords or House of Commons shall be regarded as a Crown interest and as occupation by the Crown respectively. It provides that development, works or operations carried out by or on behalf of the Corporate Officers shall be regarded as carried out by or on behalf of the Crown. It also provides that the Corporate Officers shall be regarded as the appropriate Crown authority in respect of land which is regarded as Crown land by virtue of this Order or which forms part of the Palace of Westminster for which they have management responsibilities.