



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART IX

#### MISCELLANEOUS AND GENERAL

##### *The seashore etc.*

#### 123 Interpretation of sections 120 to 122.

(1) In sections 120 to 122 of this Act—

“adjacent waters” means—

- (a) waters within a distance from low water mark of ordinary spring tides not exceeding 1,000 metres; or
- (b) where the width of the waters separating the area of one [<sup>F1</sup>local authority] from that of another is less than 2,000 metres, measured by the shortest distance between the respective such low water marks in these areas, the waters within the median line between those respective low water marks;

<sup>F2</sup>  
...

“proprietary interest” means the interest of a proprietor or lessee;

[<sup>F3</sup>“relevant person”, in relation to any part of the seashore to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that part of the seashore;]

“seashore” means the shore of the sea, that is to say, the land between the low water mark and the high water mark of ordinary spring tides and every cliff, bank, barrier, dune, beach, flat, esplanade or other land above the said high water mark adjacent to the shore, and to which the public have right of access;

“statutory undertakers” has the meaning assigned to it by section 275 of the <sup>M1</sup>Town and Country Planning (Scotland) Act 1972, except that it also includes <sup>F4</sup> . . . <sup>F5</sup> . . . <sup>F4</sup> . . . British Telecommunications.

**Changes to legislation:** Civic Government (Scotland) Act 1982, Section 123 is up to date with all changes known to be in force on or before 25 April 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

- (2) Sections 120 to 122 of this Act and this section shall apply to Crown land, that is to say, land an interest in which belongs to Her Majesty in right of the Crown or belongs to a government department or is held in trust for Her Majesty for the purposes of a government department and, for the purposes of [F<sup>6</sup>giving notice or, as the case may be,] giving or withholding consent under these sections in relation to such land, the appropriate authority shall be—
- (a) in relation to land an interest in which belongs to Her Majesty in right of the Crown and is within the administration of the Crown Estate Commissioners, these Commissioners;
  - [F<sup>7</sup>(aa) in relation to land an interest in which belongs to her Majesty in right of the Crown and is within the administration of a relevant person, that person;]
  - (b) in relation to land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, that department;
- and, if any question arises as to the authority which is the appropriate authority in relation to any Crown land, the question shall be determined by the Treasury.

#### Textual Amendments

- F1** S. 123(1): words in definition of “adjacent waters” substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 129(20)(a)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words in s. 123 repealed (9.2.2005) by Land Reform (Scotland) Act 2003 (asp 2), s. 100(3), **sch. 2 para. 8(d)** (with s. 100(2)); S.S.I. 2005/17, art. 2(b)
- F3** Words in s. 123(1) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), **Sch. 5 para. 17(3)(a)**
- F4** Words in s. 123(1) repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), **Sch. 2**
- F5** S. 123(1): words in definition of “statutory undertakers” repealed (31.10.1994) by 1994 c. 21, ss. 67, 68(2)(d), **Sch. 9 para. 28, Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F6** Words in s. 123(2) inserted (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 129(20)(b)**; S.I. 1996/323, **art. 2**
- F7** S. 123(2)(aa) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), **Sch. 5 para. 17(3)(b)**

#### Marginal Citations

- M1** 1972 c. 52.

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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. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)