

Duchy of Cornwall Bill [HL]

[AS INTRODUCED]

CONTENTS

- 1 Succession to the title Duke of Cornwall
- 2 Presumption of Crown immunity no longer to apply to the Duke of Cornwall and Duchy of Cornwall
- 3 Tax status of the Duchy of Cornwall
- 4 Exemptions and immunities
- 5 Power to purchase land
- 6 The right of any attorney or solicitor appointed in the affairs of the Duke of Cornwall and Duchy of Cornwall
- 7 Treasury Solicitor
- 8 Duchy of Cornwall subject to the Crown Estate Act 1961
- 9 Extent, commencement and short title

[AS INTRODUCED]

A

B I L L

TO

Amend the succession to the title of Duke of Cornwall, to remove the presumption of Crown immunity applying to the Duke of Cornwall and Duchy of Cornwall; to remove certain exemptions and immunities from the Duke of Cornwall and Duchy of Cornwall; to allow the present Duke of Cornwall to purchase land and estates in land throughout the United Kingdom; to make provision about legal representation of and legal advice given to the Duke and Duchy of Cornwall; and to provide that the Duchy of Cornwall shall become subject to the Crown Estate Act 1961.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Succession to the title Duke of Cornwall

Whereas in accordance with the Charter of 1337 (Regnal 11 Edward 3) the title Duke of Cornwall devolves on the eldest living son of the monarch being heir to the throne, this shall be varied such that the title of Duke of Cornwall shall be passed to the eldest living child of the Sovereign being heir to the throne, regardless of gender.

5

2 Presumption of Crown immunity no longer to apply to the Duke of Cornwall and Duchy of Cornwall

Any enactment shall be deemed to apply to the Duke of Cornwall and Duchy of Cornwall unless the contrary is expressly provided.

10

3 Tax status of the Duchy of Cornwall

- (1) For the purposes of income tax, the Duchy of Cornwall shall be regarded as settled property in accordance with section 466 of the Income Tax Act 2007 (meaning of “settled property” etc.) and subject to income tax accordingly.
- (2) For the purposes of capital gains tax, the Duchy of Cornwall shall be regarded as a settlement in accordance with section 68 of the Taxation of Chargeable Gains Act 1992 (nominees and bare trustees; meaning of settled property) and subject to capital gains tax accordingly.

15

4 Exemptions and immunities

- (1) In the Leasehold Reform Act 1967 omit section 33(2)(c) (crown land).
- (2) In the Leasehold Reform, Housing and Urban Development Act 1993 omit section 94(11)(c) (crown land).

5 Power to purchase land

5

In section 7 of the Duchy of Cornwall Management Act 1863 (power to purchase lands), for “England” substitute “the United Kingdom”.

6 The right of any attorney or solicitor appointed in the affairs of the Duke of Cornwall and Duchy of Cornwall

- (1) In the Stannaries Act 1855 omit section 31 (law clerk of the Duchy of Cornwall to act as attorney or solicitor in all courts). 10
- (2) In section 88(1) of the Solicitors Act 1974 (saving for solicitors to public departments and City of London) omit the words “or the Duchy of Cornwall”.
- (4) In the Legal Services Act 2007 omit section 193(1)(d) (solicitors to public departments and City of London). 15

7 Treasury Solicitor

The Treasury Solicitor constituted under the Treasury Solicitor Act 1876, and any person in the Treasury Solicitor’s employ, may not give any advice to, or bring or act in any proceedings on behalf of, the Duke of Cornwall or Duchy of Cornwall, in respect of the Duchy of Cornwall. 20

8 Duchy of Cornwall subject to the Crown Estate Act 1961

When the present Duke of Cornwall ceases to be Duke of Cornwall the property, estates and investments of the Duke of Cornwall and Duchy of Cornwall, with all the rights, duties and obligations associated therewith, are transferred to the Crown Estate under the terms of the Crown Estate Act 1961 and are subject to and managed by the Crown Estate Commissioners. 25

9 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Duchy of Cornwall Act 2022. 30

Duchy of Cornwall Bill [HL]

[AS INTRODUCED]

A

B I L L

TO

Amend the succession to the title of Duke of Cornwall, to remove the presumption of Crown immunity applying to the Duke of Cornwall and Duchy of Cornwall; to remove certain exemptions and immunities from the Duke of Cornwall and Duchy of Cornwall; to allow the present Duke of Cornwall to purchase land and estates in land throughout the United Kingdom; to make provision about legal representation of and legal advice given to the Duke and Duchy of Cornwall; and to provide that the Duchy of Cornwall shall become subject to the Crown Estate Act 1961.

Lord Berkeley

Ordered to be Printed, 9th December 2021.

© Parliamentary copyright House of Lords 2021

This publication may be reproduced under the terms of the Open Parliament Licence, which is published at www.parliament.uk/site-information/copyright

PUBLISHED BY THE AUTHORITY OF THE HOUSE OF LORDS