



# Nature Conservation (Scotland) Act 2004

## 2004 asp 6

### PART 5

#### GENERAL

#### 55 Crown application

- (1) Parts 1 and 2 and this Part bind the Crown.
- (2) The amendments and repeals of enactments made by schedule 7 bind the Crown to the same extent as the enactments amended or repealed.
- (3) Part 2 applies to Crown land with the following modifications.
- (4) Byelaws made by virtue of section 20 may apply to Crown land only if the appropriate authority consents.
- (5) No order may be made under section 23 or 30 in relation to Crown land unless the appropriate authority has consented to the making of the order.
- (6) An interest in Crown land, other than one held by or on behalf of the Crown, may be acquired under section 39, but only with the consent of the appropriate authority.
- (7) No contravention by the Crown of any provision made by or under Part 2 makes the Crown criminally liable; but the Court of Session may, on the application of any public body or office-holder having responsibility for enforcing that provision, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (8) Despite subsection (7), any provision made by or under Part 2 applies to persons in the public service of the Crown as it applies to other persons.
- (9) In this section “Crown land” means land an interest in which belongs to Her Majesty in right of the Crown, to an office-holder in the Scottish Administration or to a government department, or which is held in trust for Her Majesty for the purposes of the Scottish Administration or a government department.
- (10) In this section “the appropriate authority”, in relation to any land—
  - (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners,

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*Status: This is the original version (as it was originally enacted).*

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- (b) in the case of any other land belonging to Her Majesty in right of the Crown, means the office-holder in the Scottish Administration or, as the case may be, government department having the management of the land,
  - (c) in the case of land belonging to an office-holder in the Scottish Administration or to a government department or held in trust for Her Majesty for the purposes of the Scottish Administration or a government department, means that office-holder or government department.
- (11) It is for the Scottish Ministers to determine any question which arises as to who is the appropriate authority in relation to any land, and their decision is final.