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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2012 No.**

**The Pollution Prevention and  
Control (Scotland) Regulations 2012**

**PART XI**

**CROWN APPLICATION, ETC**

**Application to the Crown**

**71.**—(1) Subject to the provisions of this regulation, these Regulations and the Landfill Regulations bind the Crown.

(2) No contravention by the Crown of any provision of these Regulations or the Landfill Regulations makes the Crown criminally liable for the contravention, and no proceedings may be taken against the Crown under these Regulations, but the Court of Session may on an application by SEPA declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) The provisions of these Regulations and the Landfill Regulations apply to persons in the public service of the Crown as they apply to other persons.

(4) If the Secretary of State has certified in relation to functions under these Regulations or the Landfill Regulations that it is requisite or expedient in the interests of national security that powers of entry exercisable under section 108 of the 1995 Act should not be exercisable in respect of premises held or used by or on behalf of the Crown, then those powers are not so exercisable.

(5) The following persons are treated as if they were the operator of the installation or mobile plant concerned for the purpose of any notice served or given or any proceedings instituted in relation to an installation or mobile plant operated or controlled by any person acting on behalf of the Royal Household, the Duchy of Lancaster or the Duke of Cornwall or other possessor of the Duchy of Cornwall—

- (a) in relation to an installation or mobile plant operated or controlled by a person acting on behalf of the Royal Household, the Keeper of the Privy Purse,
- (b) in relation to an installation or mobile plant operated or controlled by a person acting on behalf of the Duchy of Lancaster, such person as the Chancellor of the Duchy appoints in relation to that installation or mobile plant,
- (c) in relation to an installation or mobile plant operated or controlled by a person acting on behalf of the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints in relation to that installation or mobile plant.

**Transitional provisions**

**72.** Schedule 10 has effect.

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**Draft Legislation:** This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Pollution Prevention and Control (Scotland) Regulations 2012 ISBN 978-0-11-101851-4

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### **Consequential amendments**

73. Schedule 11 has effect.

### **Revocations**

74. Schedule 12 has effect.