

## SCHEDULE 4

Regulation 11

### Application of these Regulations to the Crown

#### Crown application

1. Subject to paragraphs 2 to 4, these Regulations bind the Crown.

#### Contravention of these Regulations by the Crown

- 2.—(1) If the Crown contravenes a provision of these Regulations—
  - (a) it is not criminally liable under regulation 38; and
  - (b) no proceedings may be taken against it under regulation 42.(2) But—
  - (a) on the application of a regulator, the High Court may declare a contravention of these Regulations by the Crown to be unlawful; and
  - (b) these Regulations apply to persons in the public service of the Crown as they apply to other persons.

#### Entry to Crown premises

- 3.—(1) If the appropriate authority considers that in the interests of national security particular powers of entry must not be used in relation to particular Crown premises it may certify that those powers must not be used in relation to those premises.
  - (2) In this paragraph—
    - “Crown premises” means premises held or used by or on behalf of the Crown;
    - “power of entry” means a power of entry exercisable under section 108 of the 1995 Act<sup>(1)</sup>, in relation to a function under these Regulations.

#### Service on certain Crown operators

- 4.—(1) This paragraph applies in relation to a regulated facility operated or controlled by a person acting on behalf of—
  - (a) the Royal Household;
  - (b) the Duchy of Lancaster; or
  - (c) the Duke of Cornwall or other possessor of the Duchy of Cornwall.(2) When serving or giving notices or notifications, or instituting proceedings, the following person must be treated as the operator—
  - (a) in relation to sub-paragraph (1)(a), the Keeper of the Privy Purse;
  - (b) in relation to sub-paragraph (1)(b), the person appointed by the Chancellor of the Duchy of Lancaster;
  - (c) in relation to sub-paragraph (1)(c), the person appointed by the Duke of Cornwall or other possessor of the Duchy of Cornwall.

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(1) 1995 c. 25. Section 108 was amended by the Pollution Prevention and Control Act 1999, c. 24, section 6(2) and Schedule 3; S.I.2000/1973, the Anti-social Behaviour Act 2003, c. 38, section 55(6) and (8); and the Clean Neighbourhoods and Environment Act 2005, c. 16, section 53.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK  
Statutory Instrument: *The Environmental Permitting (England and Wales) Regulations 2007 No. 3538*