



Environment Act 1995

1995 CHAPTER 25

PART V

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Crown application

115 Application of this Act to the Crown.

- (1) Subject to the provisions of this section, this Act shall bind the Crown.
- (2) Part III of this Act and any amendments, repeals and revocations made by other provisions of this Act (other than those made by Schedule 21, which shall bind the Crown) bind the Crown to the extent that the enactments to which they relate bind the Crown.
- (3) No contravention by the Crown of any provision made by or under this Act shall make the Crown criminally liable; but the High Court or, in Scotland, the Court of Session may, on the application of the Agency or, in Scotland, SEPA, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (4) Notwithstanding anything in subsection (3) above, any provision made by or under this Act shall apply to persons in the public service of the Crown as it applies to other persons.
- (5) If the Secretary of State certifies that it appears to him, as respects any Crown premises and any powers of entry exercisable in relation to them specified in the certificate, that it is requisite or expedient that, in the interests of national security, the powers should not be exercisable in relation to those premises, those powers shall not be exercisable in relation to those premises; and in this subsection “Crown premises” means premises held or used by or on behalf of the Crown.
- (6) Nothing in this section shall be taken as in any way affecting Her Majesty in her private capacity; and this subsection shall be construed as if section 38(3) of the

Status: Point in time view as at 19/11/1998.

Changes to legislation: Environment Act 1995, Cross Heading: Crown application is up to date with all changes known to be in force on or before 18 July 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)

^{M1}Crown Proceedings Act 1947 (interpretation of references to Her Majesty in her private capacity) were contained in this Act.

Modifications etc. (not altering text)

- C1** S. 115(5): certain functions made exercisable by the Scottish Ministers concurrently with the Minister (1.7.1999) by S.I. 1999/1750, arts. 1, 3, **Sch. 2** (with art. 7); S.I. 1998/3178, **art. 3**

Commencement Information

- II** S. 115 partly in force; s. 115 not in force at Royal Assent see s. 125(3); s. 115 in force for specified purposes at 1.4.1996 by S.I. 1995/2950, **art. 3(1)** (subject to art. 3(2)) (which art. 3(2) was revoked (1.4.1997) by S.I. 1996/2560, **art. 3**); s. 115 in force at 1.4.1996 insofar as not already in force by S.I. 1996/186, **art 3**

Marginal Citations

- M1** 1947 c. 44.

116 Application of certain other enactments to the Crown.

Schedule 21 to this Act shall have effect.

Commencement Information

- I2** S. 116 partly in force; s. 116 not in force at Royal Assent see s. 125(3); s. 116 in force for specified purposes at 21.9.1995 by S.I. 1995/1983, **art. 3**; s. 116 in force for further specified purposes at 1.7.1997 by S.I. 1997/1626, **art. 2(b)** (with transitional provisions in art. 3); s. 116 in force for further specified purposes at 8.4.1998 by S.I. 1998/781, **art. 2** (with transitional provisions in art. 3); s. 116 in force for further specified purposes at 1.12.2000 by S.I. 2000/3033, **art. 2**

Status:

Point in time view as at 19/11/1998.

Changes to legislation:

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