

*Status: Point in time view as at 21/03/2000.*

*Changes to legislation: Environment Act 1995, Cross Heading: The Control of Pollution Act 1974 is up to date with all changes known to be in force on or before 26 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)*

## SCHEDULES

### SCHEDULE 21

#### APPLICATION OF CERTAIN ENACTMENTS TO THE CROWN

#### PART II

#### ENACTMENTS RELATING TO SCOTLAND

##### *The Control of Pollution Act 1974*

4 For subsection (3) of section 105 of the <sup>M1</sup>Control of Pollution Act 1974 (application to Crown) as it has effect in relation to Scotland, there shall be substituted the following subsections—

“(3) Subject to subsections (3A) to (3D) below, this Act shall bind the Crown.

(3A) No contravention by the Crown of any provision made by or under this Act shall make the Crown criminally liable; but the Court of Session may, on the application of—

- (a) the Scottish Environment Protection Agency; or
- (b) any other public or local authority charged with enforcing that provision,

declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3B) Notwithstanding anything in subsection (3A) 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.

(3C) 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.

(3D) Nothing in this section shall be taken as in any way affecting Her Majesty in her private capacity.”

#### Marginal Citations

M1 1974 c. 40.

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