



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 10

GENERAL AND MISCELLANEOUS

General and miscellaneous

127 Crown application

- (1) This Act and any regulations and orders made under it bind the Crown.
- (2) No contravention by the Crown of any provision made by virtue of this Act makes the Crown criminally liable.
- (3) 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.
- (4) Despite subsection (2), any provision made by virtue of this Act applies to persons in the public service of the Crown as it applies to other persons.
- (5) Nothing in this section affects Her Majesty in her private capacity.

Annotations:

Commencement Information

II S. 127 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

Changes to legislation:

Public Health etc. (Scotland) Act 2008, Section 127 is up to date with all changes known to be in force on or before 02 February 2019. 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.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 92(1)(b)(i)(ii) inserted by [2016 asp 20 Sch. 1 para. 2\(a\)](#)