Historic Environment Scotland Act 2014

2014 asp 19

PART 7 S

FINAL PROVISIONS

Crown application

29 Crown application: criminal offences S

(1) No contravention by the Crown of section 5(5) makes the Crown criminally liable.

(2) But the Court of Session may, on an application by the Lord Advocate, declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) Despite subsection (1), this Act applies to persons in the public service of the Crown as it applies to other persons.

30 Crown application: powers of entry S

(1) A power of entry conferred by or under this Act is exercisable in relation to Crown land only with the consent of the appropriate authority.

(2) The following table determines what is "Crown land" and who the "appropriate authority" is in relation to each kind of Crown land.

Crown land	*Appropriate authority*
Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Crown estate	The Crown Estate Commissioners
Other land an interest in which belongs to Her Majesty in right of the Crown	The office-holder in the Scottish Administration or the Government department having the management of the land **[**[F1]or the relevant person**]**
Land an interest in which belongs to Her Majesty in right of Her private estates	The person appointed by Her Majesty in writing under the Royal Sign Manual

	or, if no such appointment is made, the Scottish Ministers
Land an interest in which belongs to an office-holder in the Scottish Administration	The relevant office-holder in the Scottish Administration
Land an interest in which belongs to a Government department	The relevant Government department
Land an interest in which is held in trust for Her Majesty for the purposes of the Scottish Administration	The relevant office-holder in the Scottish Administration
Land an interest in which is held in trust for Her Majesty for the purposes of a Government department	The relevant Government department

(3) "Government department" means a department of the Government of the United Kingdom.

[[F2](3A) "Relevant person", in relation to any land to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that land.**]**

(4) References to Her Majesty's private estates are to be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c.37).

Textual Amendments

F1 Words in s. 30(2) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), **Sch. 5 para. 47(a)**

F2 S. 30(3A) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), **Sch. 5 para. 47(b)**

Changes to legislation:
There are currently no known outstanding effects for the Historic Environment Scotland Act 2014, Cross Heading: Crown application.