



Marine (Scotland) Act 2010

2010 asp 5

PART 9

GENERAL PROVISIONS

162 Crown application

- (1) This Act binds the Crown and applies in relation to Crown land as it applies in relation to any other land.
- (2) Nothing in Part 4 is to be taken as in any way affecting Her Majesty in her private capacity.
- (3) The modifications made by schedule 4 bind the Crown to the extent that the enactments modified bind the Crown.
- (4) No contravention by the Crown of any provision made by or under this Act makes the Crown criminally liable.
- (5) But the Court of Session may, on the application of the Scottish Ministers or any public body or office-holder having responsibility for enforcing the provision, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (6) Despite subsection (4), any provision made by or under the provisions of this Act applies to persons in the public service of the Crown as it applies to other persons.
- (7) For the purposes of subsection (1), “Crown land” means land an interest in which—
 - (a) belongs to Her Majesty in right of the Crown or in right of Her private estates,
 - (b) belongs to an office-holder in the Scottish Administration or a government department or is held in trust for Her Majesty for the purposes of the Scottish Administration or a government department.
- (8) In subsection (7)(a), the reference to Her Majesty’s private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c.37).