



Deer (Scotland) Act 1996

1996 CHAPTER 58

PART IV

ENFORCEMENT, LICENSING OF VENISON DEALING AND MISCELLANEOUS PROVISIONS

Miscellaneous and general provisions

44 Application of Act to the Crown.

[^{F1}(1) This Act binds the Crown, subject to such modifications as may be prescribed.]

(2) In subsection (1) above, “prescribed” means prescribed in regulations made by the Secretary of State under this Act.

[^{F2}(3) No contravention by the Crown of any provision made by or under this Act makes the Crown criminally liable 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 (3), this Act applies to persons in the public service of the Crown as it applies to other persons.

(5) The power conferred by section 15 of this Act is exercisable in relation to Crown land only with the consent of the appropriate authority.

(6) In subsection (5), “Crown land” means an interest in land which—

- (a) belongs to Her Majesty in right of the Crown;
- (b) belongs to Her Majesty in right of Her private estates;
- (c) belongs to an office-holder in the Scottish Administration or is held in trust for Her Majesty by such an office-holder for the purposes of the Scottish Administration; or
- (d) belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.

(7) In subsection (5), the “appropriate authority”—

Changes to legislation: There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Section 44. (See end of Document for details)

- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners;
- (b) in the case of any other land belonging to Her Majesty in right of the Crown, means the office-holder in the Scottish Administration who or, as the case may be, government department which manages the land [^{F3}or the relevant person] ;
- (c) in the case of land belonging to Her Majesty in right of Her private estates, means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers;
- (d) in the case of land belonging to an office-holder in the Scottish Administration or held in trust for Her Majesty by such an office-holder for the purposes of the Scottish Administration, means that office-holder;
- (e) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that government department.

[In subsection (7), “relevant person”, in relation to any land to which section 90B(5)^{F4}(7A) of the Scotland Act 1998 applies, means the person who manages that land.]

- (8) The references in subsections (6)(b) and (7)(c) to Her Majesty's private estates are to be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c.37).
- (9) It is for the Scottish Ministers to determine any question which arises as to who is the appropriate authority in relation to any land, and their decision is final.]

Textual Amendments

- F1** S. 44(1) substituted (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. [41\(5\)\(a\)](#), [43\(1\)](#) (with s. [41\(1\)](#)); S.S.I. 2011/433, art. 2(1)(i)
- F2** S. 44(3)-(9) inserted (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. [41\(5\)\(b\)](#), [43\(1\)](#) (with s. [41\(1\)](#)); S.S.I. 2011/433, art. 2(1)(i)
- F3** Words in s. 44(7)(b) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 26\(a\)](#)
- F4** S. 44(7A) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 26\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Deer (Scotland) Act 1996, Section 44.