
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

The Environmental Authorisations (Scotland) Regulations 2018

PART 17

Miscellaneous

Crown application

78.—(1) Subject to the provisions of this regulation, these Regulations bind the Crown.

(2) Paragraph (1) does not apply in relation to a radioactive substances activity carried on at premises—

- (a) occupied on behalf of the Crown for naval, military or air force purposes or for the purposes of the department of the Secretary of State having responsibility for defence; or
- (b) occupied by or for the purposes of a visiting force.

(3) No contravention by the Crown of any provision of these Regulations makes the Crown criminally liable.

(4) But—

- (a) the Court of Session may, on the application of the Scottish Ministers or SEPA, declare unlawful any act or omission of the Crown which constitutes such a contravention;
- (b) these Regulations apply to persons in the public service of the Crown as they apply to other persons; and
- (c) paragraph (3) does not affect the liability of the Crown to any civil penalties or other civil enforcement measures arising from such a contravention.

(5) For the purposes of these Regulations, persons in the service of the Crown are to be treated as employees of the Crown (whether or not they would be so treated apart from this paragraph).

(6) Nothing in this regulation authorises proceedings to be brought against Her Majesty in her private capacity (within the meaning of the Crown Proceedings Act 1947⁽¹⁾).

(7) The following persons are treated as if they were the authorised person for the purpose of any notice served or given or any proceedings instituted in relation to a regulated activity carried on by any person acting on behalf of the Royal Household, the Duchy of Lancaster or the Duke of Cornwall or other possessor of the Duchy of Cornwall—

- (a) in relation to an activity carried on by a person acting on behalf of the Royal Household, the Keeper of the Privy Purse;
- (b) in relation to an activity carried on by a person acting on behalf of the Duchy of Lancaster, such person as the Chancellor of the Duchy appoints in relation to that activity;
- (c) in relation to an activity carried on by a person acting on behalf of the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints in relation to that activity.

(1) 1947 c.44.

(8) In this regulation, “visiting force” means any such body, contingent, or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952(2).

Transitional and savings provisions

79. Schedule 5 has effect.

Consequential amendments

80. Schedule 6 has effect.

Repeals and revocations

81. Schedule 7 has effect.