



Wildlife and Countryside Act 1981

1981 CHAPTER 69

PART IV

MISCELLANEOUS AND GENERAL

[^{F1}66B Application of Part 1 to Crown: Scotland

- (1) Subject to subsections (2) to (5), Part 1 (including regulations and orders made under it) bind the Crown.
- (2) No contravention by the Crown of any provision made by or under Part 1 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.
- (3) Despite subsection (2), any provision made by or under Part 1 applies to persons in the public service of the Crown as it applies to other persons.
- (4) A species control order may be made under section 14D in relation to Crown land only with the consent of the appropriate authority.
- (5) The powers conferred by sections 14M and 19ZC are exercisable in relation to Crown land only with the consent of the appropriate authority.
- (6) In this section, “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 this section, the “appropriate authority”—

Changes to legislation: *Wildlife and Countryside Act 1981, Section 66B is up to date with all changes known to be in force on or before 20 April 2024. 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. (See end of Document for details) View outstanding changes*

- (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 [^{F2}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)^{F3}(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. 66B inserted (S.) (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. [41\(3\)](#), [43\(1\)](#) (with s. [41\(1\)](#)); S.S.I. 2011/433, art. 2(1)(i)
- F2** Words in s. 66B(7)(b) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 16\(a\)](#)
- F3** S. 66B(7A) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 16\(b\)](#)

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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. 53(3)(c)(ia) inserted by [2015 c. 20 Sch. 7 para. 2\(b\)](#)
- s. 53B(4A)(4B) inserted by [2015 c. 20 Sch. 7 para. 4](#)
- s. 53ZA inserted by [2015 c. 20 Sch. 7 para. 3](#)
- s. 54B54C inserted by [2015 c. 20 Sch. 7 para. 5](#)
- Sch. 13A inserted by [2015 c. 20 Sch. 7 para. 6](#)
- Sch. 14A inserted by [2015 c. 20 Sch. 7 para. 7](#)