



# Environment Act 1995

## 1995 CHAPTER 25

### PART V

#### MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

##### *Crown application*

#### **115 Application of this Act to the Crown.**

- (1) Subject to the provisions of this section, this Act shall bind the Crown.
- (2) Part III of this Act and any amendments, repeals and revocations made by other provisions of this Act (other than those made by Schedule 21, which shall bind the Crown) bind the Crown to the extent that the enactments to which they relate bind the Crown.
- (3) No contravention by the Crown of any provision made by or under this Act shall make the Crown criminally liable; but the High Court or, in Scotland, the Court of Session may, on the application of the Agency [<sup>FI</sup>, the Natural Resources Body for Wales] or, in Scotland, SEPA, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (4) Notwithstanding anything in subsection (3) above, any provision made by or under this Act shall apply to persons in the public service of the Crown as it applies to other persons.
- (5) If the Secretary of State certifies that it appears to him, as respects any Crown premises and any powers of entry exercisable in relation to them specified in the certificate, that it is requisite or expedient that, in the interests of national security, the powers should not be exercisable in relation to those premises, those powers shall not be exercisable in relation to those premises; and in this subsection “Crown premises” means premises held or used by or on behalf of the Crown.
- (6) Nothing in this section shall be taken as in any way affecting Her Majesty in her private capacity; and this subsection shall be construed as if section 38(3) of the

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Environment Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

<sup>M1</sup>Crown Proceedings Act 1947 (interpretation of references to Her Majesty in her private capacity) were contained in this Act.

#### Textual Amendments

- F1** Words in [s. 115\(3\)](#) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 385](#) (with [Sch. 7](#))

#### Modifications etc. (not altering text)

- C1** [S. 115\(5\)](#): certain functions made exercisable by the Scottish Ministers concurrently with the Minister (1.7.1999) by [S.I. 1999/1750](#), [arts. 1, 3](#), [Sch. 2](#) (with [art. 7](#)); [S.I. 1998/3178](#), [art. 3](#)

#### Commencement Information

- I1** [S. 115](#) partly in force; [s. 115](#) not in force at Royal Assent see [s. 125\(3\)](#); [s. 115](#) in force for specified purposes at 1.4.1996 by [S.I. 1995/2950](#), [art. 3\(1\)](#) (subject to [art. 3\(2\)](#)) (which [art. 3\(2\)](#) was revoked (1.4.1997) by [S.I. 1996/2560](#), [art. 3](#)); [s. 115](#) in force at 1.4.1996 insofar as not already in force by [S.I. 1996/186](#), [art 3](#)

#### Marginal Citations

- M1** [1947 c. 44](#).

## 116 Application of certain other enactments to the Crown.

Schedule 21 to this Act shall have effect.

#### Commencement Information

- I2** [S. 116](#) partly in force; [s. 116](#) not in force at Royal Assent see [s. 125\(3\)](#); [s. 116](#) in force for specified purposes at 21.9.1995 by [S.I. 1995/1983](#), [art. 3](#); [s. 116](#) in force for further specified purposes at 1.7.1997 by [S.I. 1997/1626](#), [art. 2\(b\)](#) (with transitional provisions in [art. 3](#)); [s. 116](#) in force for further specified purposes at 8.4.1998 by [S.I. 1998/781](#), [art. 2](#) (with transitional provisions in [art. 3](#)); [s. 116](#) in force for further specified purposes at 1.12.2000 by [S.I. 2000/3033](#), [art. 2](#)
- I3** [S. 116](#) in force for specified purposes at 1.1.2018 by [S.I. 2017/1045](#), [art. 2\(a\)](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Environment Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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. 41(1)(s) inserted by [2021 c. 30 s. 57\(8\)](#)
- s. 80(8) inserted by [2024 asc 2 s. 12\(1\)](#)
- s. 80(9)(10) inserted by [2024 asc 2 s. 13](#)
- s. 81B inserted by [2024 asc 2 s. 14\(1\)](#)
- s. 82(1A) inserted by [2024 asc 2 s. 16\(3\)](#)
- s. 83B inserted by [2024 asc 2 s. 17\(1\)](#)
- s. 85(3)(e)(f) inserted by [2024 asc 2 s. 18\(b\)](#)
- s. 87(2)(o)(i) words in s. 87(2)(o) renumbered as s. 87(2)(o)(i) by [2024 asc 2 s. 24\(2\)\(a\)\(i\)](#)
- s. 87(2)(o)(ii) and word inserted by [2024 asc 2 s. 24\(2\)\(a\)\(ii\)](#)
- s. 87(2B) inserted by [2024 asc 2 s. 24\(2\)\(b\)](#)
- s. 87(7A)(7B) inserted by [2024 asc 2 s. 15](#)
- s. 87(9A) inserted by [2024 asc 2 s. 12\(2\)](#)
- s. 88(4)(5) inserted by [2024 asc 2 s. 14\(3\)\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)