

*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* Environment Act 1995, Cross Heading: The Local Government etc. (Scotland)

Act 1994 is up to date with all changes known to be in force on or before 25 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

## SCHEDULES

### SCHEDULE 21

#### APPLICATION OF CERTAIN ENACTMENTS TO THE CROWN

#### PART II

#### ENACTMENTS RELATING TO SCOTLAND

PROSPECTIVE

#### *The Local Government etc. (Scotland) Act 1994*

6 After section 125 of the <sup>M1</sup>Local Government etc. (Scotland) Act 1994 there shall be inserted—

#### “125A Application of Part II to Crown.

- (1) Subject to the provisions of this section, this Part of this Act shall bind the Crown.
- (2) No contravention by the Crown of any provision made by or under this Part of this Act shall make the Crown criminally liable; but the Court of Session may, on the application of a new water and sewerage authority, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Notwithstanding anything in subsection (2) above, any provision made by or under this Part of this Act shall apply to persons in the public service of the Crown as it applies to other persons.
- (4) Nothing in this section shall be taken as in any way affecting Her Majesty in her private capacity.
- (5) Subject to subsection (4) above, the powers conferred by section 99 above shall be exercisable in relation to land in which there is a Crown interest only with the consent of the appropriate authority.

(6) In this section—

“the appropriate authority” has the same meaning as it has in section 253(7) of the <sup>M2</sup>Town and Country Planning (Scotland) Act 1972;

“Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department;

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“Crown premises” means premises held by or on behalf of the Crown.

(7) The provisions of subsection (7) of section 253 of the <sup>M3</sup>Town and Country Planning (Scotland) Act 1972 (questions relating to Crown application) as to the determination of questions shall apply for the purposes of this section.”.

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**Marginal Citations**

**M1** 1994 c. 39.

**M2** 1972 c. 52.

**M3** 1972 c. 52.

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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. 41(1)(s) inserted by [2021 c. 30 s. 57\(8\)](#)
- 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\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)