



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 5

#### GENERAL

##### *Crown application*

#### **53 Crown application**

- (1) This Act binds the Crown.
- (2) Subsection (1) does not require subordinate legislation made under this Act to bind the Crown.
- (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), any provision made by or under this Act applies to persons in the public service of the Crown as it applies to other persons.
- (5) In the application of this Act to the Crown, “owner”—
  - (a) in the case of a building 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 building belonging to Her Majesty in right of the Crown, means the office-holder in the Scottish Administration or, as the case may be, government department having management of the building [<sup>F1</sup>or the relevant person] ,
  - (c) in the case of a building belonging to an office-holder in the Scottish Administration or to a government department or held in trust for the purposes of the Scottish Administration or a government department, means that office-holder or government department.

[<sup>F2</sup>(5A) In subsection (5), “relevant person”, in relation to any land to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that land.]

---

*Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, Cross Heading: Crown application. (See end of Document for details)*

---

- (6) It is for the Scottish Ministers to determine any question which arises as to who is, for the purposes of this Act, the owner of a building falling within paragraphs (a) to (c) of subsection (5); and their decision is final.

---

#### **Textual Amendments**

- F1** Words in s. 53(5)(b) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 32(a)**
- F2** [S. 53\(5A\)](#) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 32(b)**
- 

#### **Commencement Information**

- I1** S. 53 in force at 1.5.2009 by [S.S.I. 2009/150](#), **art. 2** (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Building (Scotland) Act 2003, Cross  
Heading: Crown application.