



# Smoking, Health and Social Care (Scotland) Act 2005

2005 asp 13

## PART 1

### SMOKING: PROHIBITION AND CONTROL

#### **10 Crown application**

- (1) This Part binds the Crown.
- (2) No contravention by the Crown of this Part or any regulations under it makes the Crown criminally liable; but the Court of Session may, on the application of a council in the area of which the contravention is alleged to have taken place, declare unlawful any act or omission of the Crown which would, but for this subsection, have been an offence.
- (3) Subsection (2) does not extend to persons in the public service of the Crown.