



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 10

#### GENERAL AND SUPPLEMENTARY

#### 193 Crown application

- (1) This Act binds the Crown.
- (2) But subordinate legislation made under this Act need not 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), the provisions made by and under this Act apply to persons in the public service of the Crown as they apply to other persons.
- (5) In the application of this Act to the Crown, “owner”—
  - (a) in the case of land or premises 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 or premises belonging to Her Majesty in right of the Crown, means the office-holder in the Scottish Administration or, as the case may be, the government department having the management of the land or premises, [<sup>F1</sup>or the relevant person]
  - (c) in the case of land belonging to an office-holder in the Scottish Administration or to a government department or held in trust for Her Majesty 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.]

- (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 land or premises falling within paragraphs (a) to (c) of subsection (5); and their decision is final.

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**Changes to legislation:** *There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 193. (See end of Document for details)*

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#### **Textual Amendments**

- F1** Words in s. 193(5)(b) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 36(a)**
- F2** S. 193(5A) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 36(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 193.