



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 2

SALMON FISHERIES, ETC.

Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003: Crown application

34 Application of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 to the Crown

For section 67 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (Crown application) substitute—

“67 Application of this Act to the Crown

- (1) This Act binds the Crown and applies in relation to Crown land as it applies in relation to any other land.
- (2) No contravention by the Crown of any provision made by or under this Act makes the Crown criminally liable.
- (3) But the Court of Session may, on the application of the Lord Advocate, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (4) Despite subsection (2), any provision made by or under the provisions of this Act applies to persons in the public service of the Crown as it applies to other persons.
- (5) For the purposes of subsection (1), “Crown land” means land an interest in which—
 - (a) belongs to Her Majesty in right of the Crown or in right of Her private estates,

Status: This is the original version (as it was originally enacted).

- (b) belongs to an office-holder in the Scottish Administration or a Government department or is held in trust for Her Majesty for the purposes of the Scottish Administration or a Government department.
- (6) The powers conferred by sections 54(1), 64(1)(a) and 64A(1)(c) are exercisable in relation to land an interest in which belongs to Her Majesty in right of Her private estates only with the consent of a person appointed by Her Majesty under the Royal Sign Manual or, if no such appointment is made, by the Scottish Ministers.
- (7) In this section—
 - (a) references to Her Majesty’s private estates are to be construed in accordance with section 1 of the Crown Private Estates Act 1862,
 - (b) “Government department” means a department of the United Kingdom government.
- (8) For the purposes of this section, “land” includes salmon fisheries.”.