



2015 CHAPTER 8

PART 9

GENERAL

Enforcement in relation to the Crown

123.—(1) No contravention by the Crown of any provision made by or under this Act makes the Crown criminally liable.

(2) But the High Court may, on the application of the Department, declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) The powers conferred by section 93 (whether those specified in that section or the ancillary powers referred to in section 95(1)) are exercisable in relation to Crown land only with the consent of the appropriate authority.

(4) In this section and section 124, “the appropriate authority” in relation to any land, means—

- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners,
- (b) in the case of any other land belonging to Her Majesty in right of the Crown, the government department having the management of the land,
- (c) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, the government department.

(5) If any question arises as to what authority is the appropriate authority in relation to any land, the question must be referred to the Department of Finance and Personnel or (as appropriate) the Treasury, whose decision is final.