

*These notes relate to the Water Environment and Water Services  
(Scotland) Act 2003 (asp 3) which received Royal Assent on 5 March 2003*

# **WATER ENVIRONMENT AND WATER SERVICES (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 3 - General**

##### ***Section 35 – Crown application***

132. This section makes provision for the application of the Act to Crown bodies. Part 1 will, in line with the Directive and subject to subsection (3), apply equally to bodies of water on Crown held land and activities carried on by Crown bodies as it applies to other bodies of water and activities by other persons. Subsection (2) ensures that the textual amendments made to the 1968 and 1980 Acts by Part 2 apply to the Crown to the same extent as those Acts. Subsection (3) makes it clear that subordinate legislation under the Act is not required to bind the Crown.
133. Subsection (4) provides that the Crown will not be criminally liable for any contravention of the Act's provisions but allows the Court of Session to declare any act of the Crown in contravention of the Act's provisions unlawful, upon application by the public body or office holder responsible for enforcing the provision in question.
134. Subsection (5) provides that any provision made by or under this Act applies to persons in the service of the Crown as it applies to other persons.