

*These notes relate to the Building (Scotland) Act 2003  
(asp 8) which received Royal Assent on 26 March 2003*

# **BUILDING (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **THE ACT - AN OVERVIEW**

#### **Part 5: General**

##### ***Section 53: Crown application***

132. *Subsection (1)* makes provision for the Act to apply to the Crown (including Crown bodies). Subordinate legislation under the Act, however, may or may not apply to the Crown (*subsection (2)*). *Subsection (3)* restricts the liability of the Crown for contravention of any provision of the Act or subordinate legislation made under it. The Crown may not be held criminally liable, though the Court of Session may declare unlawful any act or omission of the Crown which contravenes any provision of the Act.
133. However, *subsection (4)* provides that persons in public service of the Crown (such as employees of Crown bodies) will be liable like other persons.
134. *Subsection (5)* defines the term “owner” in the application of the Act to the Crown.