



# Nature Conservation (Scotland) Act 2004

## 2004 asp 6

### PART 5

#### GENERAL

#### 55 Crown application

- (1) Parts 1 and 2 and this Part bind the Crown.
- (2) The amendments and repeals of enactments made by schedule 7 bind the Crown to the same extent as the enactments amended or repealed.
- (3) Part 2 applies to Crown land with the following modifications.
- (4) Byelaws made by virtue of section 20 may apply to Crown land only if the appropriate authority consents.
- (5) No order may be made under section 23 or 30 in relation to Crown land unless the appropriate authority has consented to the making of the order.
- (6) An interest in Crown land, other than one held by or on behalf of the Crown, may be acquired under section 39, but only with the consent of the appropriate authority.
- (7) No contravention by the Crown of any provision made by or under Part 2 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.
- (8) Despite subsection (7), any provision made by or under Part 2 applies to persons in the public service of the Crown as it applies to other persons.
- (9) In this section “Crown land” means land an interest in which belongs to Her Majesty in right of the Crown, to an office-holder in the Scottish Administration or to a government department, or which is held in trust for Her Majesty for the purposes of the Scottish Administration or a government department.
- (10) In this section “the appropriate authority”, in relation to any land—
  - (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners,

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*Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Section 55. (See end of Document for details)*

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- (b) in the case of any other land belonging to Her Majesty in right of the Crown, means the office-holder in the Scottish Administration or, as the case may be, government department having the management of the land [<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>(10A) In subsection (10), “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.]

(11) It is for the Scottish Ministers to determine any question which arises as to who is the appropriate authority in relation to any land, and their decision is final.

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#### **Textual Amendments**

- F1** Words in s. 55(10)(b) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 34\(a\)](#)
- F2** [S. 55\(10A\)](#) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 34\(b\)](#)

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#### **Commencement Information**

- I1** S. 55 in force at 29.11.2004 by [S.S.I. 2004/495](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Section 55.