

*These notes relate to the Public Health etc. (Scotland) Act  
2008 (asp 5) which received Royal Assent on 16 July 2008*

# **PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008**

---

## **EXPLANATORY NOTES**

### **THE ACT – OVERVIEW**

#### **Part 10**

#### **General and Miscellaneous**

#### **General and miscellaneous**

#### ***Section 127 Crown application***

238. This section confirms that the Crown is bound by this Act and any regulations made under it. The Crown will not be held criminally liable for contravening any provision but there is an option for the Court of Session, on application by any public body or office-holder responsible for enforcing a provision of this Act, to declare a contravention by the Crown as unlawful. Whilst the Crown cannot be held criminally liable, individuals in the service of the Crown can be. Nothing stated in this section affects Her Majesty in a private capacity.