



# Scottish Crown Estate Act 2019

2019 asp 1

## PART 4

### GENERAL

#### 42 Regulations

- (1) Any power of the Scottish Ministers to make regulations under this Act includes power to make—
  - (a) incidental, supplementary, consequential, transitional, transitory or saving provision,
  - (b) different provision for different purposes.
- (2) Regulations under section 3(1)—
  - (a) are subject to the affirmative procedure if they—
    - (i) relate to an asset all or part of which is situated in, or relates to, the Scottish marine area or the Scottish zone, or
    - (ii) add to, replace or omit any part of the text of an Act,
  - (b) otherwise, are subject to the negative procedure.
- (3) In subsection (2)(a)(i)—

“the Scottish marine area” is to be construed in accordance with section 1 of the Marine (Scotland) Act 2010, but does not include land which lies between the high and low water marks of ordinary spring tides,

“the Scottish zone” is to be construed in accordance with section 126(1) and (2) of the Scotland Act 1998.
- (4) Regulations under section 12(4) are subject to the affirmative procedure.
- (5) Regulations under section 6(1)(b) or 9(4) are subject to the negative procedure.
- (6) Regulations under section 16(2) or 43(1)—
  - (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
  - (b) otherwise, are subject to the negative procedure.
- (7) This section does not apply to regulations under section 46(2).

**43 Ancillary provision**

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.
- (2) Regulations under subsection (1) may modify any enactment (including this Act).

**44 Consequential and minor modifications**

Schedule 2 makes minor modifications of enactments and modifications consequential on the provisions of this Act.

**45 Interpretation**

- (1) In this Act—
  - “asset”, in relation to the Scottish Crown Estate, has the meaning given in section 2,
  - “capital account” is to be construed in accordance with section 28(2)(b),
  - “community organisation” is to be construed in accordance with section 6(1),
  - “Crown Estate Scotland Order” means the [Crown Estate Scotland Order 2017 \(S.S.I. 2017/36\)](#),
  - “Crown Estate Transfer Scheme” means the [Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#),
  - “heritable security” has the meaning given in section 9(8) of the Conveyancing and Feudal Reform (Scotland) Act 1970,
  - “income account” is to be construed in accordance with section 28(2)(a),
  - “manager” has the meaning given in section 2,
  - “Scottish Crown Estate” has the meaning given in section 2,
  - “Scottish harbour authority” has the meaning given in section 6(3).
- (2) In this Act—
  - (a) unless the context requires otherwise, a reference to a Scottish Crown Estate asset includes a reference to part of the asset,
  - (b) a reference to managers’ functions is a reference to functions conferred on persons as managers of Scottish Crown Estate assets, and does not include a reference to any other function of a person who is a manager.

**46 Commencement**

- (1) This Part, other than section 44, comes into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under subsection (2) may—
  - (a) include transitional, transitory or saving provision,
  - (b) make different provision for different purposes.

**47 Short title**

The short title of this Act is the Scottish Crown Estate Act 2019.