



Scottish Crown Estate Act 2019

2019 asp 1

PART 3

MANAGEMENT OF SCOTTISH CROWN ESTATE ASSETS

Managers' powers and duties

15 Restriction on removal of wild kelp from seabed

- (1) The manager of a Scottish Crown Estate asset must not grant a right to remove wild kelp from the seabed (that is, the bed and subsoil of the sea within the Scottish marine area) if either subsection (2) or (3) applies.
- (2) This subsection applies if—
 - (a) removal of the kelp would inhibit the regrowth of the individual plant, and
 - (b) the kelp removed is intended for commercial use.
- (3) This subsection applies if—
 - (a) removal of the wild kelp is a licensable marine activity, and
 - (b) the Scottish Ministers have not granted a marine licence for that removal.
- (4) A right granted by a manager in contravention of subsection (1) is void.
- (5) In this section—
 - “licensable marine activity” is to be construed in accordance with section 21 of the Marine (Scotland) Act 2010,
 - “marine licence” means a licence granted under Part 4 of that Act,
 - “Scottish marine area” is to be construed in accordance with section 1 of that Act,
 - “sea” is to be construed in accordance with section 2 of that Act,
 - “wild kelp” means any of the following—
 - (a) *Laminaria hyperborea*,
 - (b) *Laminaria digitata*,
 - (c) *Saccharina latissima*,
 - (d) *Saccorhiza polyschides*,
 - (e) *Alaria esculenta*.