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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 77**

**The Scottish Crown Estate Act 2019 (Commencement  
No. 2 and Saving Provisions) Regulations 2020**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Scottish Crown Estate Act 2019 (Commencement No. 2 and Saving Provisions) Regulations 2020 and come into force on 1 April 2020.

(2) In these Regulations, “the 2019 Act” means the Scottish Crown Estate Act 2019.

**Appointed Days**

2.—(1) The day appointed for the coming into force of the provisions of the 2019 Act specified in column 1 of the table in schedule 1 (the subject matter of which is described in column 2 of that table) is 1 April 2020.

(2) The day appointed for the coming into force of the provisions of the 2019 Act specified in column 1 of the table in schedule 2 (the subject matter of which is described in column 2 of that table) is 1 October 2020.

**Saving provisions – General**

3.—(1) Where paragraph (2), (4), (6) or (8) applies, section 36(7) of the Scotland Act 2016(1) continues to have effect in relation to the relevant asset on and after 1 April 2020 as it had effect immediately before that date.

(2) This paragraph applies where a Scottish Crown Estate asset has been disposed of prior to 1 April 2020.

(3) For the purposes of paragraph (2), an asset is treated as having been disposed of at the point at which missives for the disposal of the asset were fully executed.

(4) This paragraph applies where a servitude right has been granted in or over a Scottish Crown Estate asset prior to 1 April 2020.

(5) For the purposes of paragraph (4), a servitude right is treated as having been granted in or over the asset at the point at which an agreement to grant the servitude right was fully executed.

(6) This paragraph applies where a Scottish Crown Estate asset is subject to an options agreement concluded prior to 1 April 2020.

(7) For the purposes of paragraph (6), an options agreement is treated as having been concluded at the point at which it was fully executed.

(8) This paragraph applies where a Scottish Crown Estate asset is subject to an agreement for lease concluded prior to 1 April 2020.

(9) For the purposes of paragraph (8), an asset is treated as being subject to a concluded agreement for lease at the point at which the agreement was fully executed.

(10) Paragraph (4), (6) or (8), as the case may be, ceases to apply to a right or agreement if that right or agreement is extended or varied on or after 1 April 2020.

(11) In this regulation “options agreement” means an agreement that either-

- (a) gives a party to it the option to purchase an asset at an agreed price within a stated period of time; or
- (b) gives a party to it the option to purchase an asset and contains a method for determining a price at a specified point in time.

**Saving provisions – Right to remove wild kelp from the seabed**

4.—(1) Section 15 of the 2019 Act does not apply to a right granted by Crown Estate Scotland prior to 1 October 2020 to remove wild kelp from the seabed.

(2) For the purposes of paragraph (1), a right is treated as having been granted at the point at which the document conferring the right was fully executed.

(3) Paragraph (1) ceases to apply to a right if that right is extended or varied on or after 1 October 2020.

St Andrew’s House,  
Edinburgh  
11th March 2020

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