

DRAFT STATUTORY INSTRUMENTS

2017 No. XXXX

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

The Crown Estate Transfer Scheme 2017

Made - - - - *****

Coming into force in accordance with paragraph 1(2)

The Treasury, with the agreement of the Scottish Ministers, make the following Scheme in exercise of the powers conferred by section 90B of the Scotland Act 1998(a).

A draft of this Scheme was laid before Parliament in accordance with paragraphs 1 and 2 of Schedule 7 to the Scotland Act 1998(b) and approved by resolution of each House of Parliament.

Citation, commencement and extent

- 1.—(1) This Scheme may be cited as the Crown Estate Transfer Scheme 2017.
- (2) This Scheme comes into force on the day after the day on which it is made.
- (3) Subject to sub-paragraph (4), this Scheme extends to England and Wales, Scotland and Northern Ireland.
- (4) An amendment made by Schedule 5 has the same extent as the enactment to which it relates.

Interpretation

2. In this Scheme—
 - “the 1998 Act” means the Scotland Act 1998;
 - “designated liabilities” means the liabilities specified in Schedule 2;
 - “designated rights” means the rights specified in Schedule 2;
 - “exclusive economic zone” has the same meaning as in section 41(3) of the Marine and Coastal Access Act 2009(c) but does not include any part of the Scottish zone;
 - “foreshore” means the land owned by Her Majesty which lies between the mean high water and mean low water but does not include any part of Scotland;
 - “manager”, in relation to a Scottish asset, means—

(a) 1998 c.46. Section 90B was inserted into the Scotland Act 1998 by section 36(1) of the Scotland Act 2016 (c.11).
(b) Paragraph 1(2) of Schedule 7 was amended by section 36(5) of the Scotland Act 2016.
(c) 2009 c.23.

- (a) the transferee, or
- (b) where another person exercises functions relating to the asset which were previously exercised by the transferee, that person;

“relevant matters” means—

- (a) in relation to any period before the transfer date^(a), the existing Scottish functions,
- (b) in relation to any period on or after the transfer date, the manager’s functions relating to the Scottish assets,
- (c) the Scottish assets, and
- (d) the designated rights and designated liabilities;

“Scottish assets” means any property, rights and interests to which section 90B(5) of the 1998 Act applies;

“Scottish coastal waters” means those parts of Scotland which are internal waters or are in the territorial sea of the United Kingdom;

“Scottish foreshore” means that land in Scotland owned by Her Majesty which lies between the high and low water marks of ordinary spring tides; and

“transferee” means Crown Estate Scotland (Interim Management)^(b) (to whom the existing Scottish functions are transferred by paragraph 3 of this Scheme).

Transfer date and transferee

3. This Scheme transfers the existing Scottish functions to Crown Estate Scotland (Interim Management) on the day on which it comes into force.

Scottish assets

4. Schedule 1 (Scottish assets) specifies the property, rights and interests that as at the transfer date appear to the Treasury to be the Scottish assets.

Designated rights and designated liabilities

5. The rights and liabilities specified in Schedule 2 (designated rights and designated liabilities) transfer to the transferee on the transfer date.

Protection of employment

6. Schedule 3 (protection of employment) makes provision to ensure that the employment of any person in Crown employment is not adversely affected by the transfer.

Protection of UK-wide interests

7. Schedule 4 (protection of UK-wide interests) makes provision in relation to defence and national security, telecommunications, the exploitation of oil and gas and electricity infrastructure.

Consequential amendments

8. Schedule 5 (consequential amendments) contains amendments to enactments which are consequential to this Scheme.

(a) In this Scheme references to “the transfer date” are references to the date on which the Scheme is to have effect; see section 90B(20) of the 1998 Act. That date is specified by paragraph 3 as the day on which the Scheme comes into force.

(b) Crown Estate Scotland (Interim Management) (in Gaelic, Oighreachd a’ Chrùin Alba (Stiùireadh Eadar-amail)) was established by the Crown Estate Scotland (Interim Management) Order 2017 (S.S.I. 2017/36) and has been nominated by the Scottish Ministers under section 90B(1) of the 1998 Act as the transferee for the purposes of this Scheme.

Statements of account and audit

9.—(1) In relation to the relevant matters and for the period starting on 1st April 2016 and ending immediately before the transfer date, the Commissioners^(a) must prepare in such form as the Treasury may direct—

- (a) a statement of income account, and
- (b) a statement of capital account.

(2) The Commissioners must send the statements to the Comptroller and Auditor General no later than one month after the transfer date.

(3) The Comptroller and Auditor General must—

- (a) examine and certify the statements,
- (b) issue a report, and
- (c) send the statements and the report to the Commissioners and the transferee.

(4) The Commissioners must lay the statements and the report before each House of Parliament and the Scottish Parliament.

Treatment of certain receipts: receipts relating to the relevant matters only

10.—(1) This paragraph applies to any sums—

- (a) which are received by the Commissioners or the manager on or after the transfer date, and
- (b) which consist solely of amounts which relate to any of the relevant matters.

(2) If the sums are mentioned in the audited statements, the sums must be dealt with in accordance with any applicable treatment specified in those statements.

(3) If the sums are not mentioned in the audited statements or if no applicable treatment is specified in those statements—

- (a) the Commissioners must transfer to the manager any sums which relate to any period on or after the transfer date,
- (b) the manager must transfer to the Commissioners any sums which relate to any period before the transfer date, and
- (c) otherwise the recipient may retain the sums.

(4) If the recipient fails to comply with sub-paragraph (2), (3)(a) or (3)(b), the person to whom the sums are owed may recover those sums as a civil debt.

(5) In this paragraph, “audited statements” means the statements mentioned in paragraph 9(1) as certified by the Comptroller and Auditor General under paragraph 9(3).

(6) For the purposes of this paragraph sums are “mentioned” in the audited statements if—

- (a) they are expressly referred to in those statements, or
- (b) they fall within a description which is expressly referred to.

Treatment of certain receipts: receipts relating to the relevant matters and the Crown Estate

11.—(1) This paragraph applies to any sums—

- (a) which are received by the Commissioners or the manager on or after the transfer date; and
- (b) which include both—
 - (i) amounts relating to any of the relevant matters, and

(a) In this Scheme references to “the Commissioners” are references to the Crown Estate Commissioners; see section 90B(1) of the 1998 Act.

- (ii) amounts relating to any Crown Estate assets or any other rights and liabilities of the Commissioners.
- (2) The recipient must apportion the sums as between—
 - (a) the Scottish assets and the designated rights and designated liabilities, and
 - (b) the Crown Estate assets and the rights and liabilities of the Commissioners.
- (3) After any apportionment under sub-paragraph (2)—
 - (a) the Scottish sums must be dealt with in accordance with paragraph 10(2) and (3) (and accordingly paragraph 10(4) applies to those sums); and
 - (b) the Crown Estate sums must be—
 - (i) retained by the Commissioners, or
 - (ii) transferred to the Commissioners if the manager is the recipient.
- (4) If the manager fails to comply with sub-paragraph (3)(b)(ii), the Commissioners may recover the sums as a civil debt.
- (5) In this paragraph—
 - “Crown Estate assets” means any property, rights and interests which form part of the Crown Estate;
 - “Crown Estate sums” means the sums which are properly apportioned in accordance with sub-paragraph (2)(b); and
 - “Scottish sums” means the sums which are properly apportioned in accordance with sub-paragraph (2)(a).

Requirement to take reasonable steps to secure the payment of certain sums

- 12.—**(1) This paragraph applies where—
- (a) a sum is due to be paid to the manager and on receipt the manager would be required to transfer the sum to the Commissioners under either paragraph 10 or 11, or
 - (b) a sum is due to be paid to the Commissioners and on receipt the Commissioners would be required to transfer the sum to the manager under either of those paragraphs.
- (2) The person to whom the sum is due must take such reasonable steps as are necessary to secure the payment of that sum.

Sums paid in error to the manager

- 13.—**(1) This paragraph applies where a sum which is due to the Commissioners is paid in error to the manager.
- (2) As soon as reasonably practicable, the manager must transfer the sum to the Commissioners.
- (3) If the manager fails to comply with sub-paragraph (2), the Commissioners may recover the sum as a civil debt.

Supplementary

- 14.—**(1) Anything (including legal proceedings) which as at the transfer date is in the process of being done by or in relation to the Commissioners may, so far as it relates to any of the relevant matters, be continued by or in relation to the transferee.
- (2) Anything done (or having effect as if done) by or in relation to the Commissioners in connection with any of the relevant matters has effect on and after the transfer date as if done by or in relation to the transferee.
- (3) Subject to the express provision made in Schedule 5, any enactment or instrument passed or made before the transfer date has effect, so far as is necessary for the purposes of or in consequence of the transfer or the exercise of functions that are or relate to relevant matters, as if

references to (and references which are to be read as references to) the Commissioners were references to the manager.

(4) Notwithstanding any provision to the contrary in any instrument, sub-paragraphs (1) to (3) and paragraph 5 shall not—

- (a) require any additional formality in order to have full effect;
- (b) give rise to any requirement for consent, authorisation, or permission; or
- (c) trigger any option, right of variation, right of forfeiture, right of termination, right of pre-emption, right to first refusal, right to payment, right to demand payment or any other benefit.

(5) This Scheme does not affect the validity of anything done (or having effect as if done) by or in relation to the Commissioners before the transfer date.

(6) In this paragraph, “instrument” includes Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, licences, authorisations, consents, approvals, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents.

Publicity

15. No later than one month after the transfer date, the transferee must publish notice of the transfer in the Edinburgh Gazette and the London Gazette in such form as the transferee considers appropriate.

	<i>Name</i>
	<i>Name</i>
Date	Two of the Lords Commissioners of Her Majesty’s Treasury

SCHEDULE 1 Paragraph 4

The Scottish assets

Interpretation

1. In this Schedule, “gas” has the same meaning as in section 1(6) of the Energy Act 2008(a).
2. In this Schedule, with the exception of paragraph 18, any reference to property, rights and land is a reference to property, rights and land owned by Her Majesty.

Rural estate

3. The Whitehill estate.
4. The Glenlivet estate.
5. The Applegirth estate.
6. The Fochabers estate.
7. 1 and 2 Kings Park Cottages, Stirling.
8. 10 the Homesteads, Stirling.

(a) 2008 c.32.

Commercial estate

9. The land known as 39 to 41 George Street, Edinburgh.
10. The lock-up garage at 3 and 5 West Thistle Street Lane, Edinburgh.
11. The land at Rhu Marina.

Seabed etc.

12. The land forming the seabed of Scottish coastal waters.
13. The rights in the Scottish zone—
 - (a) of unloading gas to installations or pipelines,
 - (b) of storing gas for any purpose and recovering stored gas,
 - (c) of exploitation for the production of energy from water or winds,
 - (d) of exploration in connection with any of those rights, and
 - (e) for other purposes connected with the exploitation mentioned in sub-paragraph (c) including, in particular, the transmission, distribution and supply of electricity generated in the course of such exploitation.
14. The right in the Scottish zone of exploiting the seabed and its subsoil other than for hydrocarbons.
15. The land which lies between the high and low water marks of ordinary spring tides.
16. Rockall.

Other property, rights and interests

17. All rights—
 - (a) of fishing for salmon in rivers and Scottish coastal waters,
 - (b) to naturally occurring gold and silver,
 - (c) to reserved mineral rights.
18. Any other property, rights and interests—
 - (a) which are held by the Commissioners on behalf of the Crown; and
 - (b) to which paragraphs (a) or (b) of section 90B(2) of the 1998 Act apply.

SCHEDULE 2

Paragraph 5

Designated Rights and Designated Liabilities

Interpretation

1. In this Schedule—

“historic Scottish assets” means any property, rights or interests (excluding any limited partnership rights) in land in Scotland—

 - (a) which once formed part of the Crown Estate, but
 - (b) which immediately before the transfer date are not Scottish assets; and

“limited partnership rights” means—

- (a) any property, rights or interests held by a limited partnership registered under the Limited Partnerships Act 1907^(a), and
- (b) any property, rights or interests in, or in a member of, a partner in such a limited partnership.

2. In this Schedule, a reference to a right or a liability—

- (a) is a reference to a right or liability—
 - (i) which has arisen or otherwise exists immediately before the transfer date, or
 - (ii) which arises or otherwise comes into existence on or after the transfer date, but in respect of—
 - (aa) any act or omission of or in relation to the Commissioners, or
 - (bb) any act or omission in relation to the Scottish functions or the Scottish assets, before that date; but
- (b) does not include a reference to a right or a liability for which separate provision is made by Schedule 3 (protection of employment).

Designated rights

3. Any rights of the Commissioners which apply solely to, or are capable of exercise solely in connection with—

- (a) the existing Scottish functions, or
- (b) any of the Scottish assets.

4. Any rights of the Commissioners in relation to moveable property—

- (a) which is customarily situated on or within the boundaries of any land forming part of the Scottish assets, and
- (b) which is used in connection with any of those assets,

whether or not that property is so situated immediately before the transfer date.

5. Any rights in intellectual property which have—

- (a) arisen,
- (b) been acquired, or
- (c) been customarily used,

solely in connection with any of the Scottish assets.

6. Any rights of the Commissioners in connection with historic Scottish assets.

Designated liabilities

7. Any liabilities of the Commissioners in connection with—

- (a) the exercise of the existing Scottish functions,
- (b) any of the Scottish assets;
- (c) the designated rights, or
- (d) any acts ancillary or preparatory to the making of this Scheme.

8. Any liabilities of the Commissioners in connection with historic Scottish assets.

(a) 1907 (c.24).

Protection of Employment

Interpretation

1. In this Schedule—

“the 1996 Act” means the Employment Rights Act 1996(a);

“contract” means any agreement which determines the terms and conditions of a person’s employment or service;

“employee” means a person who is included in the personnel schedule;

“occupational pension scheme” means an occupational pension scheme within the meaning of section 1(1) of the Pension Schemes Act 1993(b); and

“personnel schedule” means the document “Crown Estate Commissioners – Schedule of Transferring Staff” dated the day before the transfer date, a copy of which has been deposited at Her Majesty’s Treasury(c).

Transfer of employment rights and liabilities

2. Except where an objection is made under paragraph 5, on the transfer date—

- (a) an employee’s contract with the Commissioners transfers to the transferee; and
- (b) all the Commissioners’ rights, powers, duties and liabilities under or in connection with the contract transfer to the transferee.

3. On and after the transfer date, a contract mentioned in paragraph 2 has effect as if originally made between the transferee and the employee.

4. Any act or omission before the transfer date, of or in relation to the Commissioners in respect of a contract mentioned in paragraph 2, is deemed to have been an act or omission of or in relation to the transferee.

Objections to transfer

5. If before the transfer date an employee informs the Commissioners or the transferee in writing that the employee objects to becoming employed by the transferee, paragraphs 2 to 4 do not operate to transfer the employee’s contract and the rights, powers, duties and liabilities under or in connection with it.

6. Where an employee so objects, the employee’s contract terminates on the transfer date and, subject to paragraphs 11 and 12, the employee is not to be treated for any other purpose as having been dismissed by the Commissioners.

7. Where the transfer involves or would involve a substantial change in working conditions to the detriment of an employee, the employee may treat the employee’s contract as having been terminated, and the employee shall be treated for any purpose as having been dismissed by the transferee.

Variation of contract

8. Any purported variation of a contract—

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- (a) 1996 c.18.
 - (b) 1993 c.48. The definition of “occupational pension scheme” was substituted by section 239(1) and (3) of the Pensions Act 2004 (c.35).
 - (c) The document is available for inspection at the following address; HM Treasury, 1 Horse Guards Road, London SW1A 2HQ.

- (a) by the Commissioners before the transfer date, or
- (b) by the transferee on or after the transfer date,

is void if the sole or principal reason for the variation is the transfer.

9. Paragraph 8 does not prevent a variation of a contract if—

- (a) the sole or principal reason for the variation is an economic, technical or organisational reason entailing changes in the workforce and the employee agrees to that variation; or
- (b) the terms of that contract permit such a variation.

10. Paragraph 9 does not affect any rule of law as to whether a contract is effectively varied.

Protection against dismissal

11. If an employee is dismissed—

- (a) by the Commissioners before the transfer date, or
- (b) by the transferee on or after the transfer date,

the employee is to be treated as unfairly dismissed for the purposes of Part 10 of the 1996 Act (unfair dismissal) if the sole or principal reason for the dismissal is the transfer.

12. Paragraph 11 does not apply—

- (a) if the sole or principal reason for the dismissal is an economic, technical or organisational reason entailing changes in the workforce; or
- (b) if the application of section 94 of the 1996 Act to the dismissal of the employee is excluded by or under any provision of—
 - (i) the 1996 Act,
 - (ii) the Employment Tribunals Act 1996^(a), or
 - (iii) the Trade Union and Labour Relations (Consolidation) Act 1992^(b).

Pensions

13. Paragraph 2 does not apply to—

- (a) so much of a contract as relates to an occupational pension scheme; or
- (b) any rights, powers, duties or liabilities which relate to such a scheme and which arise—
 - (i) under or in connection with a contract, or
 - (ii) otherwise in connection with the employee's employment or service.

14. For the purposes of paragraph 13, any provisions of an occupational pension scheme which do not relate to benefits for old age, invalidity or survivors must not be treated as part of the pension scheme.

15. An employee is not entitled to bring a claim against the Commissioners for breach of contract or constructive unfair dismissal under section 95(1)(c) of the 1996 Act arising out of any loss or reduction in the employee's rights under an occupational pension scheme in consequence of the transfer.

16. In relation to each employee whose contract is transferred under paragraph 2, the transferee must—

(a) 1996 c.17.
(b) 1992 c.52.

- (a) no later than one month after the transfer date, offer the employee the option of joining an appropriate pension scheme with effect from the transfer date; or
- (b) if section 3(2) (automatic enrolment) of the Pensions Act 2008^(a) applies in relation to the employee, ensure that the automatic enrolment scheme available to the employee in accordance with that section is an appropriate pension scheme.

17. In paragraph 16, “appropriate pension scheme” means a scheme which, in the view of the Government Actuary’s Department, provides pension benefits to the employee which are no less favourable than the pension benefits which were provided, or were available, to the employee before the transfer as a consequence of the employee’s contract with the Commissioners.

18. In considering whether a pension scheme meets the requirements of paragraph 17, the Government Actuary’s Department must take into account—

- (a) all rights and benefits which were available to the employee before the transfer date—
 - (i) under or in connection with the employee’s contract with the Commissioners, or
 - (ii) otherwise in connection with that person’s employment or service with the Commissioners; and
- (b) all rights and benefits which are available to the employee on and after the transfer date—
 - (i) under or in connection with the employee’s contract with the transferee, or
 - (ii) otherwise in connection with that person’s employment or service with the transferee.

Dis-application of the Transfer of Undertakings (Protection of Employment) Regulations 2006

19. The transfer of the existing Scottish functions to the transferee is not a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006^(b); and accordingly this Schedule rather than those Regulations applies to that transfer.

SCHEDULE 4

Paragraph 7

Protection of UK-wide Interests

PART 1

Protections for defence and national security

Interpretation: general

1.—(1) In this Part—

“right” means—

- (a) in relation to a person other than the manager—
 - (i) any right or interest of that person conveyed or granted by the manager in, under or over any part of the Scottish assets, or
 - (ii) any right or interest derived from such a right or interest; and
- (b) in relation to the manager—
 - (i) the use by or on behalf of the manager of any part of the Scottish assets, or

(a) 2008 c.30.

(b) S.I. 2006/246; to which there are amendments not relevant to this Scheme.

- (ii) the exercise by or on behalf of the manager of any right or interest in, under or over any part of the Scottish assets; and

“Secretary of State” means the Secretary of State for Defence.

(2) In this Part, with the exception of the definition of “right” in sub-paragraph (1), any reference to the grant of a right includes a reference to the conveyance of a right.

Interpretation: meaning of market value

2.—(1) References to “market value” in this Part are to be construed in accordance with this paragraph.

(2) In paragraphs 3(3)(d) and 4(4), market value, in relation to a right, means the best consideration in money or money’s worth which can reasonably be obtained for the right, having regard to all the circumstances of the case but ignoring for that purpose—

- (a) any element of monopoly value which may exist, and
- (b) any reduction or increase in the consideration due solely to the Secretary of State’s involvement.

(3) In sub-paragraphs (1)(a) and (4) of paragraph 5, market value, in relation to a right, means such compensation as is calculated in accordance with Part 3 of the Land Compensation (Scotland) Act 1963(a).

(4) In paragraph 9(1), market value has the same meaning as in sub-paragraph (2) or (3) (as the case may be).

(5) In this paragraph, the reference to Part 3 of the Land Compensation (Scotland) Act 1963 is a reference to that Part as at the transfer date.

Renewal of existing rights of the Secretary of State

3.—(1) This paragraph applies to a right of the Secretary of State—

- (a) which—
 - (i) exists immediately before the transfer date, or
 - (ii) comes into existence on or after the transfer date (including by operation of any provision in this Schedule); and
- (b) to which any of the following apply—
 - (i) the right has been granted for a specific term,
 - (ii) the right will terminate on the occurrence of a specific event,
 - (iii) the right may be terminated by the manager.

(2) At any time before, or as soon as practicable after, the relevant event and following consultation with the manager the Secretary of State may give notice to the manager in writing stating—

- (a) that the Secretary of State requires the right to be renewed,
- (b) the date on which the right is to begin, and
- (c) the term for which the right is required to be granted.

(3) Where notice is given under sub-paragraph (2), a right is deemed to be granted by the manager to the Secretary of State on the same terms and conditions as the existing right but subject to the following modifications—

- (a) the right begins on the date specified in the notice,
- (b) the right is granted for the term specified in the notice,

(a) 1963 c.51.

(c) notwithstanding any provision to the contrary in relation to the existing right, the right will not terminate otherwise than on expiry of the term mentioned in paragraph (b), and

(d) the Secretary of State must pay market value for the right.

(4) Sub-paragraph (3) is subject to any alternative agreement which the manager and the Secretary of State may reach.

(5) In this paragraph—

“the existing right” means the right mentioned in sub-paragraph (2)(a); and

“relevant event” means—

(a) in relation to a right mentioned in sub-paragraph (1)(b)(i), the expiry of the term for which the right was granted,

(b) in relation to a right mentioned in sub-paragraph (1)(b)(ii), the occurrence of the event which will terminate the right, and

(c) in relation to a right mentioned in sub-paragraph (1)(b)(iii), the termination of the right by the manager.

Grant of new rights to the Secretary of State

4.—(1) This paragraph applies where, after the Secretary of State has consulted with the manager—

(a) the manager refuses to grant a right to the Secretary of State; and

(b) the Secretary of State is of the view that, for reasons of defence or national security, there is an overriding public interest in the right being granted to the Secretary of State.

(2) The Secretary of State may give notice to the manager in writing stating—

(a) that the Secretary of State requires the right to be granted;

(b) the Secretary of State’s reasons for requiring the right to be granted; and

(c) the terms and conditions on which the right is to be granted, including—

(i) the date on which the right is to begin (which must not be any earlier than one month after the day on which the notice is given), and

(ii) the term for which the right is to be granted.

(3) If the Secretary of State is of the view that, for reasons of defence or national security, there is an overriding public interest in the reasons mentioned in sub-paragraph (2)(b) not being made public—

(a) the Secretary of State must state that view in the notice, and

(b) sub-paragraph (2)(b) does not apply.

(4) The terms and conditions mentioned in sub-paragraph (2)(c) must provide that the Secretary of State is to pay market value for the right.

(5) Where notice is given under sub-paragraph (2), a right is deemed to be granted by the manager on the terms and conditions specified in the notice.

(6) Sub-paragraph (5) is subject to any alternative agreement which the manager and the Secretary of State may reach.

Acquisition of third party rights by the Secretary of State

5.—(1) This paragraph applies where, after the Secretary of State has consulted with a person—

(a) that person refuses to assign or sell any right to the Secretary of State at market value; and

(b) the Secretary of State is of the view that, for reasons of defence or national security, there is an overriding public interest in the right being so assigned or sold.

- (2) The Secretary of State may give notice to the person in writing stating—
- (a) that the Secretary of State requires the right to be assigned or sold;
 - (b) the Secretary of State’s reasons for requiring the right to be so assigned or sold; and
 - (c) the terms and conditions on which the right is to be assigned or sold, including the date on which the assignation or sale is to occur (which must not be any earlier than one month after the day on which the notice is given).

(3) If the Secretary of State is of the view that, for reasons of defence or national security, there is an overriding public interest in the reasons mentioned in sub-paragraph (2)(b) not being made public—

- (a) the Secretary of State must state that view in the notice, and
- (b) sub-paragraph (2)(b) does not apply.

(4) The terms and conditions mentioned in sub-paragraph (2)(c) must provide that the Secretary of State is to pay market value for the right.

(5) Where notice is given under sub-paragraph (2), the right is deemed to be assigned or sold by the person on the terms and conditions specified in the notice.

(6) Sub-paragraph (5) is subject to any alternative agreement which the person and the Secretary of State may reach.

Grant of new rights to third parties

6.—(1) This paragraph applies where the manager is asked to do any of the following—

- (a) to grant a right to a person,
- (b) to vary a right of a person,
- (c) to agree to the transfer of a right from one person to another,
- (d) to agree to any plan or policy which would involve any of the matters in paragraphs (a) to (c).

(2) If the manager considers that the request is likely to affect any defence operations or capabilities, the manager must notify the Secretary of State in writing of the request before responding to that request.

(3) In making the consideration under sub-paragraph (2), the manager must have regard to any information which the Secretary of State has provided to the manager about defence operations and capabilities.

(4) No later than 30 days after the day on which the Secretary of State is notified under sub-paragraph (2), and after the Secretary of State has consulted with the manager—

- (a) the Secretary of State may inform the manager in writing of the effects which the Secretary of State considers the request will have on defence operations or capabilities; or
- (b) if the Secretary of State is of the view that, for reasons of defence or national security, there is an overriding public interest in the matters in paragraph (a) not being made public, the Secretary of State may inform the manager in writing—
 - (i) of that view, and
 - (ii) (where relevant) of the Secretary of State’s opposition to the request.

(5) The manager—

- (a) must have regard to any duly-made representation from the Secretary of State; and
- (b) unless the manager proposes to reject the request, must notify the Secretary of State in writing of its proposed decision.

(6) After notifying the Secretary of State under sub-paragraph (5)(b), the manager must not make the decision until the manager receives—

- (a) a direction under sub-paragraph (8), or

- (b) written confirmation that the Secretary of State has no objection to the proposed decision (whether in a notice under paragraph 8(5)(b)(i) or otherwise).
- (7) Sub-paragraph (8) applies if the Secretary of State—
 - (a) receives a notification under sub-paragraph (5)(b); and
 - (b) is of the view that, for reasons of defence or national security, there is an overriding public interest in the manager’s proposed decision being amended.
- (8) The Secretary of State may direct the manager in writing to make its decision in accordance with the terms of the direction.
- (9) Any direction under sub-paragraph (8)—
 - (a) must state the Secretary of State’s reasons for making the direction; or
 - (b) if the Secretary of State is of the view that, for reasons of defence or national security, there is an overriding public interest in those reasons not being made public, must state that view.
- (10) The manager must comply with any direction made under sub-paragraph (8).
- (11) Sub-paragraph (10) is subject to any alternative agreement which the manager and the Secretary of State may reach and accordingly the Secretary of State may withdraw or vary any direction made under sub-paragraph (8).
- (12) In this paragraph, a “duly-made representation” means a representation made in accordance with sub-paragraph (4).

Use of Scottish assets by the manager

- 7.—(1) This paragraph applies where the manager proposes to do any of the following—
- (a) to exercise a right which has not previously been exercised by the Commissioners or the manager,
 - (b) to vary the existing exercise of a right,
 - (c) to agree to any plan or policy which would involve any of the matters in paragraph (a) or (b).
- (2) If the manager considers that the proposal is likely to affect any defence operations or capabilities, the manager must notify the Secretary of State in writing of the proposal before starting to implement that proposal.
- (3) In making the consideration under sub-paragraph (2), the manager must have regard to any information which the Secretary of State has provided to the manager about defence operations and capabilities.
- (4) No later than 30 days after the day on which the Secretary of State is notified under sub-paragraph (2), and after the Secretary of State has consulted with the manager—
- (a) the Secretary of State may inform the manager in writing of the effects which the Secretary of State considers the proposal will have on defence operations or capabilities; or
 - (b) if the Secretary of State is of the view that, for reasons of defence or national security, there is an overriding public interest in the matters in paragraph (a) not being made public, the Secretary of State may inform the manager in writing—
 - (i) of that view, and
 - (ii) (where relevant) of the Secretary of State’s opposition to the proposal.
- (5) The manager—
- (a) must have regard to any duly-made representation from the Secretary of State; and
 - (b) unless the manager decides to abandon the proposal, must notify the Secretary of State in writing of how it proposes to act.

(6) After notifying the Secretary of State under sub-paragraph (5)(b), the manager must not take any action until the manager receives—

- (a) a direction under sub-paragraph (8), or
- (b) written confirmation that the Secretary of State has no objection to the proposed action (whether in a notice under paragraph 8(5)(b)(ii) or otherwise).

(7) Sub-paragraph (8) applies if the Secretary of State—

- (a) receives a notification under sub-paragraph (5)(b); and
- (b) is of the view that, for reasons of defence or national security, there is an overriding public interest in the manager's proposed action being amended.

(8) The Secretary of State may direct the manager in writing to act in accordance with the terms of the direction.

(9) Any direction under sub-paragraph (8)—

- (a) must state the Secretary of State's reasons for making the direction; or
- (b) if the Secretary of State is of the view that, for reasons of defence or national security, there is an overriding public interest in those reasons not being made public, must state that view.

(10) The manager must comply with any direction made under sub-paragraph (8).

(11) Sub-paragraph (10) is subject to any alternative agreement which the manager and the Secretary of State may reach and accordingly the Secretary of State may withdraw or vary any direction made under sub-paragraph (8).

(12) In this paragraph, a "duly-made representation" means a representation made in accordance with sub-paragraph (4).

Procedure

8.—(1) This paragraph applies where the Secretary of State proposes—

- (a) to give notice under paragraph 3(2), 4(2) or 5(2); or
- (b) to make a direction under paragraph 6(8) or 7(8).

(2) Before making the relevant decision, the Secretary of State must notify the manager and any relevant person in writing of the decision which the Secretary of State proposes to make.

(3) No later than 30 days after the day on which notification is given under sub-paragraph (2), an interested party may make representations to the Secretary of State giving reasons for those representations.

(4) The Secretary of State must have regard to any duly-made representations.

(5) No later than 60 days after the day on which the last duly-made representation is made, the Secretary of State must—

- (a) make the relevant decision; and
- (b) if the decision concerns—
 - (i) a notice under paragraph 5(2) or a direction under paragraph 6(8), notify the manager and the relevant person in writing of that decision,
 - (ii) a direction under paragraph 7(8), notify the manager.

(6) In this paragraph—

"duly-made representation" means a representation made in accordance with sub-paragraph (3);

"interested party" means—

- (a) the manager, or
- (b) a relevant person;

"relevant decision" means a decision—

- (a) whether to give notice as mentioned in sub-paragraph (1)(a), or
 - (b) whether to make a direction as mentioned in sub-paragraph (1)(b); and
- “relevant person” means—

- (a) in relation to a notice under paragraph 5(2), the person to whom the notice is to be given, and
- (b) in relation to a direction under paragraph 6(8), the person whose request is to be determined in accordance with the terms of the direction.

Disagreement

9.—(1) This paragraph applies where—

- (a) the Secretary of State is required to pay market value for a right, and
- (b) there is a disagreement about the calculation of that market value.

(2) The disagreement must be referred to—

- (a) such person as the parties to the disagreement may agree, or
- (b) if no person is agreed, such person as may be nominated, on the joint application of the parties, by the Royal Institution of Chartered Surveyors.

(3) The person to whom the disagreement is referred may charge a fee in respect of its consideration of the disagreement and may apportion the fee between the parties as it considers appropriate.

Annual report

10.—(1) Each reporting year the Secretary of State must prepare a report about the exercise of the Secretary of State’s powers under this Part.

(2) But a report is not required for a year if the Secretary of State did not exercise any of those powers in relation to that year.

(3) A report must not identify, or enable the identification of, any person (other than the manager) unless that person has consented to being so identified.

(4) Subject to sub-paragraph (3), each report must contain the following information—

- (a) the powers which the Secretary of State has exercised during the reporting year;
- (b) the number of occasions on which those powers have been exercised; and
- (c) in respect of each such occasion—
 - (i) the reasons why the power was exercised, and
 - (ii) the amount of any payment made by the Secretary of State.

(5) If the Secretary of State is of the view that, for reasons of defence or national security, there is an overriding public interest in the reasons mentioned in sub-paragraph (4)(c)(i) not being included in the report—

- (a) the Secretary of State must state that view in the report, and
- (b) sub-paragraph (4)(c)(i) does not apply.

(6) The Secretary of State must lay a copy of each report before Parliament and the Scottish Parliament.

(7) In this paragraph, “reporting year” means a period of 12 months ending with 31st March.

PART 2

Consideration payable under the Electronic Communications Code

Interpretation

11.—(1) In this Part—

“agreement” means an agreement under paragraph 11(2) of the electronics communications code (appropriate authority agrees in relation to a Crown interest to the exercise of a right conferred under paragraph 11(1) of the code in respect of tidal waters); and

“electronic communications code” has the same meaning as in section 106 of the Communications Act 2003(a).

(2) Terms used in this Part which are also used in the electronic communications code have the same meaning as in the code.

Modifications of the electronic communications code

12. The electronic communications code has effect subject to the modifications in paragraphs 13 and 14.

Consideration payable to the manager in connection with an agreement

13. Any consideration requested by the manager in connection with an agreement in respect of any of the Scottish assets must not exceed the best consideration in money or money’s worth which can reasonably be obtained, having regard to all the circumstances of the case but ignoring for that purpose any element of monopoly value which may exist.

Failure to agree consideration: tidal waters

14.—(1) This paragraph applies where, in connection with an agreement in respect of any of the Scottish assets, the manager and the operator cannot agree the consideration to be paid by the operator to the manager.

(2) The manager or the operator may apply to the appropriate person for a determination of the consideration to be paid.

(3) An application under sub-paragraph (2) must be made in writing and must include—

- (a) the proposed terms of the agreement, and
- (b) the reasoned evidence of the operator and of the manager as to what each respectively considers should be the appropriate amount of consideration for the agreement.

(4) As soon as reasonably practicable after receiving a duly-made application, the appropriate person must—

- (a) determine the best consideration in money or money’s worth which can reasonably be obtained by the manager, having regard to all the circumstances of the case but ignoring for that purpose any element of monopoly value which may exist; and
- (b) notify the manager and the operator in writing of its determination and the reasons for it.

(5) If the agreement mentioned in sub-paragraph (1) (or an agreement in substantially the same form) is concluded following a determination under sub-paragraph (4), the consideration payable by the operator must not be more than the consideration notified under sub-paragraph (4)(b).

(a) 2003 c.21.

(6) The appropriate person may charge a fee in respect of its consideration of an application under sub-paragraph (4) and may apportion the fee between the manager and the operator as it considers appropriate.

(7) In this paragraph—

“appropriate person” means—

- (a) such person as the operator and the manager may agree, or
- (b) if no person is agreed, such person as may be nominated, on the application of the operator or manager, by the president of the Royal Institution of Chartered Surveyors; and

“duly-made application” means an application which is made in accordance with the requirements in sub-paragraph (3).

PART 3

Pipeline payments

Interpretation

15. In this Part—

“agreement” means an agreement between the manager and a pipeline operator which grants rights to the pipeline operator—

- (a) in, under or over any part of the Scottish foreshore, Scottish coastal waters or the Scottish zone, and
- (b) in connection with the construction, laying, maintenance or use of a pipeline;

“appropriate person” means—

- (a) such person as the Treasury and the Scottish Ministers may agree, or
- (b) if no person is agreed, such person as may be nominated, on the joint application of the Treasury and the Scottish Ministers, by the Royal Institution of Chartered Surveyors;

“market value”, in relation to an agreement, means the best consideration in money or money’s worth which can reasonably be obtained, having regard to all the circumstances of the case but ignoring for that purpose any element of monopoly value which may exist;

“payment” means—

- (a) a payment which is first required on or after the transfer date, or
- (b) an increase in a payment which takes effect on or after the transfer date regardless of when the payment was first required;

“petroleum” has the same meaning as in section 1 of the Petroleum Act 1998^(a);

“pipeline operator” means a person who is, or will be, operating a pipeline for the conveyance of petroleum; and

“territorial sea” means the UK territorial sea but does not include any part of Scotland.

Notification of objection to payment

16.—(1) This paragraph applies where—

- (a) the manager proposes to require, or has required, a payment from a pipeline operator in connection with an agreement; and
- (b) the pipeline operator notifies the Treasury in writing of that operator’s objection to the payment and the reasons in writing for that objection.

(a) 1998 c.17.

(2) As soon as reasonably practicable after receiving a notification and the related reasons under sub-paragraph (1), the Treasury must notify the manager in writing of the objection.

(3) After receiving a notification under sub-paragraph (2)—

- (a) the manager must notify the Treasury in writing of the amount of the payment and of how that amount was calculated no later than one month after the day on which the Treasury notify the manager under sub-paragraph (2); and
- (b) if the payment (or any part of the payment) has already been required but not yet made, the manager must immediately suspend the payment.

No notice of objection to payment

17. Unless the Treasury give notice in accordance with paragraph 18, the manager may require the payment, or any outstanding part of the payment, after the expiration of—

- (a) the period of three months beginning on the day on which notification is given under paragraph 16(3)(a), or
- (b) such shorter period as the Treasury may allow.

Determination of market value

18. If the Treasury consider that the payment may be more than market value, the Treasury may give notice in writing to the manager before the expiration of the period mentioned in paragraph 17.

19. Where the Treasury have given notice in accordance with paragraph 18, the appropriate person must determine an amount which is market value for the payment.

20.—(1) In making the determination under paragraph 19, the appropriate person must have regard to—

- (a) the amount of any payment required by the manager for the grant of equivalent rights in, under or over any part of the Scottish foreshore, Scottish coastal waters or the Scottish zone;
- (b) the amount of any payment required by the Commissioners for the grant of equivalent rights in, under or over any part of the foreshore, the territorial sea or the exclusive economic zone; and
- (c) any duly-made representation provided to the appropriate person by any of the following—
 - (i) the manager,
 - (ii) the pipeline operator,
 - (iii) the Treasury.

(2) In this paragraph—

“duly-made representation” means a representation which complies with all relevant requirements notified in writing by the appropriate person to the maker of the representation; and

“relevant requirement” means a requirement as to—

- (a) the content or length of a representation, or
 - (b) the date by which a representation must be submitted to the appropriate person,
- provided that any requirement under paragraph (b) must not take effect any earlier than 28 days after the day on which the requirement is notified to the maker of the representation.

21. As soon as reasonably practicable after making the determination under paragraph 19, the appropriate person must notify the following persons of the determination—

- (a) the manager,

- (b) the pipeline operator, and
- (c) the Treasury.

22. The manager must—

- (a) ensure that the payment does not exceed the amount determined under paragraph 19; and
- (b) if the pipeline operator has already paid more than market value, as soon as reasonably practicable the manager must refund the excess to the operator.

23. If the manager fails to comply with paragraph 22(b), the pipeline operator may recover the excess as a civil debt.

Fees of the appropriate person

24. The appropriate person may charge a fee in respect of its determination under paragraph 19 and may apportion that fee as it considers appropriate between any of the following—

- (a) the manager,
- (b) the pipeline operator,
- (c) the Treasury.

PART 4

Electricity infrastructure payments

Interpretation

25.—(1) In this Part—

“agreement” means an agreement between the manager and a relevant person which grants rights to that person—

- (a) in, under or over any part of the Scottish foreshore, Scottish coastal waters or the Scottish zone, and
- (b) in connection with the transmission or distribution of electricity, or participation in the operation of an electricity interconnector;

“appropriate person” means—

- (a) such person as the Treasury and the Scottish Ministers may agree, or
- (b) if no person is agreed, such person as may be nominated, on the joint application of the Treasury and the Scottish Ministers, by the Royal Institution of Chartered Surveyors;

“market value”, in relation to an agreement, means the best consideration in money or money’s worth which can reasonably be obtained, having regard to all the circumstances of the case but ignoring for that purpose any element of monopoly value which may exist;

“payment” means—

- (a) a payment which is first required on or after the transfer date, or
- (b) an increase in a payment which takes effect on or after the transfer date regardless of when the payment was first required;

“relevant person” means a person who—

- (a) is required to have a licence by virtue of paragraph (b), (bb), or (d) of section 4(1) of the Electricity Act 1989(a), or

(a) 1989 c.29; paragraph (bb) of section 4(1) was inserted by section 28(2) of the Utilities Act 2000 (c.27) and paragraphs (b) and (d) of that section were inserted respectively by sections 135(2) and 145(2) of the Energy act 2004 (c.20).

(b) would be so required but for an exemption under section 5 of that Act; and

“territorial sea” means the UK territorial sea but does not include any part of Scotland.

(2) Terms used in this Part which are also used in Part 1 of the Electricity Act 1989 have the same meaning as in that Act.

Notification of proposed payment

26. Where the manager proposes to require a payment from a relevant person in connection with an agreement, the manager must notify the Treasury in writing of the payment and of how the payment is to be calculated.

No notice of objection to proposed payment

27. Unless the Treasury give notice in accordance with paragraph 28, the manager may require the payment after the expiration of—

- (a) the period of three months beginning on the day on which the notification is given under paragraph 26, or
- (b) such shorter period as the Treasury may allow.

Determination of market value

28. If the Treasury consider that the payment may be more than market value, the Treasury may give notice in writing to the manager before the expiration of the period mentioned in paragraph 27.

29. Where the Treasury have given notice in accordance with paragraph 28, the appropriate person must determine an amount which is market value for the payment.

30. Before making the determination under paragraph 29 the appropriate person must consult the Gas and Electricity Markets Authority.

31.—(1) In making the determination under paragraph 29, the appropriate person must have regard to—

- (a) the amount of any payment required by the manager for the grant of equivalent rights in, under or over any part of the Scottish foreshore, Scottish coastal waters or the Scottish zone;
- (b) the amount of any payment required by the Commissioners for the grant of equivalent rights in, under or over any part of the foreshore, the territorial sea or the exclusive economic zone;
- (c) any representations made by the Gas and Electricity Markets Authority following consultation under paragraph 30; and
- (d) any duly-made representation provided to the appropriate person by any of the following—
 - (i) the manager,
 - (ii) the relevant person,
 - (iii) the Treasury.

(2) In this paragraph—

“duly-made representation” means a representation which complies with all relevant requirements notified in writing by the appropriate person to the maker of the representation; and

“relevant requirement” means a requirement as to—

- (a) the content or length of a representation, or
- (b) the date by which a representation must be submitted to the appropriate person,

provided that any requirement under paragraph (b) must not take effect any earlier than 28 days after the day on which the requirement is notified to the maker of the representation.

32. As soon as reasonably practicable after making the determination under paragraph 29, the appropriate person must notify the following persons of the determination—

- (a) the manager,
- (b) the relevant person,
- (c) the Treasury, and
- (d) the Gas and Electricity Markets Authority.

33. The manager must ensure that the payment does not exceed the amount determined under paragraph 29.

Fees of the appropriate person

34. The appropriate person may charge a fee in respect of its determination under paragraph 29 and may apportion that fee as it considers appropriate between the manager and the Treasury.

Disapplication of paragraph 26

35.—(1) Where either paragraph 36 or 37 applies, the manager is not required to notify the Treasury under paragraph 26.

36. This paragraph applies where the manager—

- (a) has agreed a schedule of payments with the Treasury, and
- (b) proposes to require a payment from a relevant person in connection with an agreement which is in accordance with that schedule.

37.—(1) This paragraph applies where—

- (a) an appropriate person has determined under paragraph 29 an amount which is market value for a payment in connection with an agreement; and
- (b) the manager proposes—
 - (i) to make an agreement with a relevant person on the same terms and conditions as the existing agreement, and
 - (ii) to require a payment from the relevant person in connection with the agreement which does not exceed the existing amount.

(2) In sub-paragraph (1)(b)—

“the existing agreement” means the agreement mentioned in sub-paragraph (1)(a), and

“the existing amount” means the amount mentioned in sub-paragraph (1)(a).

Requirement for a valid payment

38. Any payment which is required by the manager from a relevant person in connection with an agreement is void unless it is levied in accordance with paragraph 27, 33, 36 or 37(1) of this Part.

Consequential Amendments

PART 1

Public General Acts

Harbours, Docks, and Piers Clauses Act 1847

1. After section 3 of the Harbours, Docks, and Piers Clauses Act 1847 (interpretations in this and the special Act)(a), insert—

“Interpretation: the Crown Estate and Scotland

3A. In this Act, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies—

- (a) any reference to the Crown Estate Commissioners is to be read as a reference to the person having management of the property, rights or interests concerned, and
- (b) the reference in section 12 to “the previous consent of Her Majesty to be signified in writing under the hands of two of the Crown Estate Commissioners” is to be read as a reference to the consent of Her Majesty as signified by the consent of the person having management of the property, right or interest concerned.”.

Universities (Scotland) Act 1889

2. In section 32 of the Universities (Scotland) Act 1889 (purchase by the Universities of certain casualties due to the Crown)(b), at the end insert—

“In relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, references in this section to the Crown Estate Commissioners are to be read as references to the person who manages the property, rights or interests concerned.”.

Military Lands Act 1892

3. In section 10 of the Military Lands Act 1892 (provision as to land belonging to the Crown)(c)—

- (a) in subsection (2)—
 - (i) after “or departments” insert “or a relevant person”, and
 - (ii) after “or department” insert “or the relevant person”; and
- (b) after subsection (3), insert—

“(4) In this section, “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.”.

Light Railways Act 1896

4. In section 20 of the Light Railways Act 1896 (power to grant Crown lands)(d)—

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- (a) 1847 c.27; section 12 was amended by S.R. & O 1924/1370, S.I. 1965/145, section 1 of the Crown Estate Act 1956 (c.73) and section 1 of the Crown Estate Act 1961 (c.55).
 - (b) 1889 c.55; section 32 was amended by S.R. & O 1924/1370, section 1 of the Crown Estate Act 1956 and paragraph 4(1) of Schedule 2 to the Crown Estate Act 1961.
 - (c) 1892 c.43; section 10(2) was amended by S.R. & O 1924/1370, section 1 of the Crown Estate Act 1956 and section 1 of the Crown Estate Act 1961.
 - (d) 1896 c.48.

- (a) the existing text becomes subsection (1), and
- (b) after that subsection, insert—
 - “(2) In subsection (1), in relation to land to which section 90B(5) of the Scotland Act 1998 applies—
 - (a) the reference to the Crown Estate Commissioners is to be read as a reference to the person who manages the land, and
 - (b) the reference to the Treasury is to be read as a reference to the Scottish Ministers.”.

Railway Fires Act 1905

5. In section 4 of the Railway Fires Act 1905 (definitions and application)(a), in the closing words, after “Commissioners” insert “, or to which section 90B(5) of the Scotland Act 1998 applies,”.

Small Landholders (Scotland) Act 1911

6. In section 34 of the Small Landholders (Scotland) Act 1911(b) (Act to apply to Crown land), after “agree” insert “and to land to which section 90B(5) of the Scotland Act 1998 applies to such extent as the person managing it may agree”.

Land Drainage (Scotland) Act 1958

7. In section 16 of the Land Drainage (Scotland) Act 1958 (Crown rights)(c)—
- (a) in subsection (3)(a), at the end insert “or the relevant person”, and
 - (b) after subsection (3), insert—
 - “(4) In subsection (3), “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.”.

Opencast Coal Act 1958

8. In section 44 of the Opencast Coal Act 1958 (Crown land)(d)—
- (a) in subsection (4)(a), at the end insert “or the relevant person”, and
 - (b) after subsection 4, insert—
 - “(4A) In subsection (4), “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.”.

Caravan Sites and Control of Development Act 1960

9. In paragraph 6 of Schedule 2 to the Caravan Sites and Control of Development Act 1960 (further provision as to orders relating to commons)(e)—
- (a) in sub-paragraph (2)(a), at the end insert “or the relevant person”, and
 - (b) after sub-paragraph (2), insert—
 - “(3) In sub-paragraph (2), “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.”.

(a) 1905 c.11; the closing words to section 4 were amended by S.R. & O 1924/1370, S.I. 1965/145, section 1 of the Crown Estate Act 1956 and section 1 of the Crown Estate Act 1961.

(b) 1911 c.49.

(c) 1958 c.24.

(d) 1958 c.69.

(e) 1960 c.62.

Harbours Act 1964

10. In section 52 of the Harbours Act 1964 (application to Crown)(a)—

- (a) in subsection (3)(c)(i), at the end insert “or the relevant person”, and
- (b) after subsection (3), insert—

“(3A) In subsection (3), “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.”.

Gas Act 1965

11. In section 25 of the Gas Act 1965 (application to the Crown)(b)—

- (a) in subsection (3)(a), at the end insert “or the relevant person”, and
- (b) after subsection (3), insert—

“(4) In subsection (3), “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.”.

Forestry Act 1967

12.—(1) The Forestry Act 1967(c) is amended as follows.

(2) In section 3(2) (management of forestry land), after “Commissioners” insert “or a relevant person”.

(3) In section 33(5)(a) (application of Part 2 to Crown land), at the end insert “or the relevant person”.

(4) In section 49(1) (interpretation), after the definition of “National Trust for Scotland”, insert—

““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.”.

Sea Fisheries (Shellfish) Act 1967

13. In paragraph 6(2) of Schedule 1 to the Sea Fisheries (Shellfish) Act 1967(d) (orders under section 1 of the Act: duty where order relates to sea shore), as that paragraph applies in relation to Scotland, at the end insert “or, if the portion of the sea shore is part of the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies, the powers and duties of the person who has the management of that portion”.

Sewerage (Scotland) Act 1968

14. In section 55 of the Sewerage (Scotland) Act 1968 (application of Act to Crown premises)(e)—

- (a) in subsection (3), after “Commissioners” insert “, the relevant person”,
- (b) in subsection (4)(a), at the end insert “or the relevant person”, and
- (c) after subsection (4), insert—

“(5) In this section, “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.”.

(a) 1964 c.40.

(b) 1965 c.36.

(c) 1967 c.10; section 3(2) was amended by S.I. 2013/755 and section 43(1) was amended by Schedule 1 to the Forestry Act 1979 (c.21).

(d) 1967 c.83; paragraph 6(2) of Schedule 1 was amended by section 160(3)(b) of the Marine (Scotland) Act 2010 (asp 5).

(e) 1968 c.47.

Ancient Monuments and Archaeological Areas Act 1979

15. In section 50(4) of the Ancient Monuments and Archaeological Areas Act 1979 (application to Crown land)(a)—

- (a) in paragraph (a), at the end insert “or the relevant person”, and
- (b) in the closing words, after “Minister of the Crown” insert “and “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”.

Wildlife and Countryside Act 1981

16. In section 66B of the Wildlife and Countryside Act 1981 (application of Part 1 to the Crown: Scotland)(b)—

- (a) in subsection (7)(b), at the end insert “or the relevant person”, and
- (b) after subsection (7), insert—

“(7A) In subsection (7), “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.”.

Civic Government (Scotland) Act 1982

17.—(1) The Civic Government (Scotland) Act 1982(c) is amended as follows.

(2) In section 122 (power to execute works on seashore), in subsection (4)(b), after “Commissioners” insert “or (as the case may be) the relevant person”.

(3) In section 123 (interpretation of sections 120 to 122)—

- (a) in subsection (1), insert in the appropriate place—

““relevant person”, in relation to any part of the seashore to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that part of the seashore;”, and
- (b) after subsection (2)(a), insert—

“(aa) in relation to land an interest in which belongs to her Majesty in right of the Crown and is within the administration of a relevant person, that person;”.

Rent (Scotland) Act 1984

18.—(1) The Rent Scotland Act 1984(d) is amended as follows.

(2) In section 4(3) (no protected or statutory tenancy where landlord’s interest belongs to the Crown), at the end insert “or is an interest to which section 90B(5) of the Scotland Act 1998 applies”.

(3) In section 63(5) (Part 7 contracts), at the end insert “or is an interest to which section 90B(5) of the Scotland Act 1998 applies”.

Road Traffic Regulation Act 1984

19. In section 131 of the Road Traffic Regulation Act 1984 (application of road traffic enactments to Crown roads)(e)—

- (a) in subsection (7)(a)(i), at the end insert “or the relevant person”, and
- (b) after subsection (8), insert—

(a) 1979 c.46.

(b) 1981 c.69; section 66B was inserted by section 41(3) of the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6).

(c) 1982 c.45.

(d) 1984 c.58.

(e) 1984 c.27.

“(9) In this section, “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.”.

Telecommunications Act 1984

20. In paragraph 26 of Schedule 2 to the Telecommunications Act 1984 (the telecommunications code)(a)—

- (a) in sub-paragraph (3)(a), at the end insert “or the relevant person”, and
- (b) after sub-paragraph (3), insert—

“(3A) In sub-paragraph (3), “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.”.

Housing (Scotland) Act 1988

21. In paragraph 10 of Schedule 4 to the Housing (Scotland) Act 1988 (tenancies which cannot be assured tenancies: Crown tenancies)(b), at the end insert “or if it is a tenancy to which section 90B(5) of the Scotland Act 1998 applies”

Electricity Act 1989

22. In section 63 of the Electricity Act 1989 (application to Crown land)(c)—

- (a) in subsection (4)(b), at the end insert “or the relevant person”, and
- (b) after subsection (4), insert—

“(5) In subsection (4), “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.”.

Enterprise and New Towns (Scotland) Act 1990

23. In section 28 of the Enterprise and New Towns (Scotland Act) 1990 (application to Crown land)(d)—

- (a) in subsection (4)(b), at the end insert “or the relevant person”, and
- (b) after subsection (4), insert—

“(5) In subsection (4), “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.”.

Agricultural Holdings (Scotland) Act 1991

24. In section 79 of the Agricultural Holdings (Scotland) Act 1991 (application to Crown land)(e), after subsection (1), insert—

“(1A) In subsection (1), “proper officer of body” includes a person who manages any land to which section 90B(5) of the Scotland Act 1998 applies.”.

Transport and Works Act 1992

25. In section 25 of the Transport and Works Act 1992 (Crown land)(f)—

- (a) in subsection (3)(b), at the end insert “or the relevant person”, and
- (b) after subsection (3), insert—

(a) 1984 c.12.
(b) 1988 c.43.
(c) 1989 c.29.
(d) 1990 c.35.
(e) 1991 c.55.
(f) 1992 c.42.

“(3A) In subsection (3), “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.”.

Deer (Scotland) Act 1996

26. In section 44 of the Deer (Scotland) Act 1996 (application of Act to the Crown)(a)—

- (a) in subsection (7)(b), at the end insert “or the relevant person”, and
- (b) after subsection (7), insert—

“(7A) In subsection (7), “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.”.

Planning (Hazardous Substances) (Scotland) Act 1997

27. In section 31 of the Planning (Hazardous Substances) (Scotland) Act 1997 (exercise of powers in relation to Crown land)(b)—

- (a) in subsection (5)(b), at the end insert “or the relevant person”, and
- (b) after subsection (5), insert—

“(5A) In subsection (5), “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.”.

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

28.—(1) The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(c) is amended as follows.

(2) In section 28A(3) (purchase notices: Crown land), after paragraph (a), insert—

“(aa) land which forms part of the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies.”.

(3) In section 73C (expressions relating to the Crown)—

- (a) in subsection (5)(b), at the end insert “or the relevant person”, and
- (b) after subsection (5), insert—

“(5A) In subsection (5), “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.”.

Town and Country Planning (Scotland) Act 1997

29.—(1) The Town and Country Planning (Scotland) Act 1997(d) is amended as follows.

(2) In section 26AA(3) (marine fish farms)—

- (a) in paragraph (a) of the definition of “authorisation”, after “Commissioners” insert “or a relevant person”,
- (b) omit “and” after the definition of “equipment”, and
- (c) after the definition of “marine fish farm”, insert—
“; and

“relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

(a) 1996 c.58.

(b) 1997 c.10.

(c) 1997 c.9; section 28A was inserted by paragraph 2 of Schedule 5 to the Planning and Compulsory Purchase Act 2004 (c.5) and section 73C was inserted by paragraph 7 of that Schedule.

(d) 1997 c.8; section 26AA was inserted by section 4(1) of the Planning etc. (Scotland) Act 2006 (asp 17) and section 88A was inserted by paragraph 1 of Schedule 5 to the Planning and Compulsory Purchase Act 2004.

- (3) In section 88A(3) (purchase notices: Crown land), after paragraph (a), insert—
- “(aa) land which forms part of the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies.”.
- (4) In section 242 (preliminary definitions)—
- (a) in subsection (2)(b), at the end insert “or the relevant person”, and
- (b) after subsection (2), insert—
- “(2ZA) In subsection (2), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Data Protection Act 1998

30. In section 55A(9) of the Data Protection Act 1998 (power of Commissioner to impose monetary penalty)(a)—

- (a) in the definition of “data controller”, after “Commissioners” insert “, a relevant person”, and
- (b) after the definition of “prescribed”, insert—
- “; and
- “relevant person” means a person who is discharging functions in relation to the management of any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies.”.

Water Industry (Scotland) Act 2002

31. In section 67 of the Water Industry (Scotland) Act 2002 (Crown application)(b), for subsection (4) substitute—

- “(4) The powers conferred by section 47 are only exercisable—
- (a) in relation to land forming part of the Crown Estate, with the consent of the Crown Estate Commissioners, and
- (b) in relation to land to which section 90B(5) of the Scotland Act 1998 applies, with the consent of the person having the management of the land concerned.”.

Building (Scotland) Act 2003

32. In section 53 of the Building (Scotland) Act 2003 (Crown application)(c)—

- (a) in subsection (5)(b), at the end insert “or the relevant person”, and
- (b) after subsection (5), insert—
- “(5A) In subsection (5), “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.”.

Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Act 2003

33. In section 7 of the Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Act 2003 (decommissioning)(d)—

- (a) in subsection (3), at the end insert “or (as the case may be) the relevant person”, and
- (b) after subsection (3), insert—

(a) 1998 c.29; section 55A was inserted by section 144(1) of the Criminal Justice and Immigration Act 2008 (c.4) and amended by paragraph 13 of Schedule 20 to the Coroners and Justice Act 2009 (c.25).

(b) 2002 asp 3.

(c) 2003 asp 8.

(d) 2003 asp 19.

“(4) In subsection (3), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Nature Conservation (Scotland) Act 2004

34. In section 55 of the Nature Conservation (Scotland) Act 2004 (Crown application)(a)—

(a) in subsection (10)(b), at the end insert “or the relevant person”, and

(b) after subsection (10), insert—

“(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.”.

Edinburgh Tram (Line One) Act 2006

35. In section 84 of the Edinburgh Tram (Line One) Act 2006 (rights of the Crown)(b)—

(a) in subsection (2)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or that person”; and

(b) after subsection (2), insert—

“(2A) In subsection (2), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Housing (Scotland) Act 2006

36. In section 193 of the Housing (Scotland) Act 2006 (Crown application)(c)—

(a) in subsection (5)(b), at the end insert “or the relevant person”, and

(b) after subsection (5), insert—

“(5A) In subsection (5), “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.”.

Glasgow Airport Rail Link Act 2007

37. In section 50 of the Glasgow Airport Rail Link Act 2007 (rights of the Crown and Scottish Ministers)(d)—

(a) in subsection (2)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or that person”; and

(b) after subsection (2), insert—

“(2A) In subsection (2), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Transport and Works (Scotland) Act 2007

38. In section 3 of the Transport and Works (Scotland) Act 2007 (Crown land)(e)—

-
- (a) 2004 asp 6.
(b) 2006 asp 7.
(c) 2006 asp 1.
(d) 2007 asp 1.
(e) 2007 asp 8.

- (a) in subsection (4)(b), at the end insert “or the relevant person”, and
- (b) after subsection (4), insert—
 - “(4A) In subsection (4), “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.”.

Energy Act 2008

39.—(1) The Energy Act 2008(a) is amended as follows.

(2) In section 4 (licences)—

(a) for subsection (3) substitute—

“(3) For this purpose “Crown lease” means (as the case may be)—

- (a) a lease of property forming part of the Crown Estate, or an authorisation to exercise rights forming part of that Estate (whether by virtue of section 1 or otherwise), or
- (b) a lease of property forming part of the Scottish assets, or an authorisation to exercise rights forming part of those assets (whether by virtue of section 1 or otherwise).”;

(b) after subsection (3), insert—

“(4) In subsection (3), “Scottish assets” means any property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies.”.

(3) In section 18 (licences)—

(a) for subsection (4) substitute—

“(4) For this purpose a “Crown lease” means (as the case may be)—

- (a) a lease of property forming part of the Crown Estate, or an authorisation to exercise rights forming part of that Estate (whether by virtue of section 1 or otherwise), or
- (b) a lease of property forming part of the Scottish assets, or an authorisation to exercise rights forming part of those assets (whether by virtue of section 1 or otherwise).”;

(b) after subsection (4), insert—

“(4ZA) In subsection (4), “Scottish assets” means any property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies.”.

Planning Act 2008

40. In section 227 of the Planning Act 2008 (Crown land and the appropriate Crown authority)(b)—

- (a) in subsection (5)(b), at the end insert “or the relevant person”, and
- (b) after subsection (5), insert—

“(5A) In subsection (5), “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.”.

Flood Risk Management (Scotland) Act 2009

41. In section 91 of the Flood Risk Management (Scotland) Act 2009 (Crown application)(c)—

- (a) in subsection (7)(b)(ii), at the end insert “or the relevant person”, and

(a) 2008 c.32.
(b) 2008 c.29.
(c) 2009 asp 6.

(b) after subsection (7), insert—

“(7A) In subsection (7), “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.”.

Marine (Scotland) Act 2010

42. In Schedule 1 to the Marine (Scotland) Act 2010 (preparation, adoption etc. of marine plans)(a), in paragraph 8—

(a) after sub-paragraph (2)(h), insert—

“(ha) the powers and duties of a relevant person,”,

(b) after sub-paragraph (3)(i), insert—

“(ia) the powers and duties of a relevant person,”, and

(c) after sub-paragraph (3), insert—

“(4) In this paragraph, “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Forth Crossing Act 2011

43. In section 78 of the Forth Crossing Act 2011 (Crown application)(b)—

(a) in subsection (3)(b), at the end insert “or the relevant person”, and

(b) after subsection (3), insert—

“(3A) In subsection (3), “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.”.

Reservoirs (Scotland) Act 2011

44. In section 110 of the Reservoirs (Scotland) Act 2011 (Crown application)(c)—

(a) in subsection (7)(b)(ii), at the end insert “or the relevant person”, and

(b) after subsection (7), insert—

“(7A) In subsection (7), “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.”.

High Hedges (Scotland) Act 2013

45. In section 37 of the High Hedges (Scotland) Act 2013 (Crown application)(d)—

(a) in subsection (5)(b), at the end insert “or the relevant person”, and

(b) in subsection (8), at the end insert “and “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”.

Water Resources (Scotland) Act 2013

46. In Schedule 3 to the Water Resources (Scotland) Act 2013 (Crown land)(e)—

(a) in paragraph 2(2)(b), at the end insert “or the relevant person”, and

(b) in paragraph 3(1), after paragraph (a) insert—

(a) 2010 asp 5.
(b) 2011 asp 2.
(c) 2011 asp 9.
(d) 2013 asp 6.
(e) 2013 asp 5.

“(aa) “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.”.

Historic Environment Scotland Act 2014

47. In section 30 of the Historic Environment Scotland Act 2014 (Crown application: powers of entry)(a)—

- (a) in the second entry in the second column of the table in subsection (2), at the end insert “or the relevant person”, and
- (b) after subsection (3), insert—

“(3A) “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.”.

Revenue Scotland and Tax Powers Act 2014

48. In section 258 of the Revenue Scotland and Tax Powers Act 2014 (Crown application: powers of entry)(b)—

- (a) in the second entry in the second column of the table in subsection (2), at the end insert “or the relevant person”, and
- (b) after subsection (3), insert—

“(4) “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.”.

PART 2

Local Acts of the United Kingdom Parliament

Zetland County Council Act 1974

49. In section 78 of the Zetland County Council Act 1974 (Crown rights)(c)—

- (a) the existing text becomes subsection (1);
- (b) in that subsection—
 - (i) in paragraph (i), after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (ii) in the closing words, after “Crown Estate Commissioners” insert “, that relevant person”; and
- (c) after subsection (1), insert—

“(2) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Highland Regional Council (Harbours) Order Confirmation Act 1991

50.—(1) The Order in the Schedule to the Highland Regional Council (Harbours) Order Confirmation Act 1991(d), which was confirmed by section 1 of that Act, is amended as follows.

(2) In section 2 (interpretation), insert in the appropriate place—

(a) 2014 asp 19.
(b) 2014 asp 16.
(c) 1974 c.viii.
(d) 1991 c.xii.

““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.

(3) In section 6 (reclamation of land), in paragraph (b), after “Crown Estate Commissioners” insert “, the relevant person,”.

(4) In section 63(1)(a) (Crown rights)—

- (a) after “Crown Estate Commissioners” insert “or a relevant person”, and
- (b) at the end insert “or (as the case may be) that person”.

Tay Road Bridge Order Confirmation Act 1991

51.—(1) The Order in the Schedule to the Tay Road Bridge Order Confirmation Act 1991(a), which was confirmed by section 1 of that Act, is amended as follows.

(2) In section 82 (Crown rights)—

(a) in subsection (1)(a)—

- (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
- (ii) after “those commissioners” insert “or (or as the case may be) that person”; and

(b) after subsection (1), insert—

“(1A) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

British Railways Act 1992

52. In section 34 of the British Railways Act 1992 (Crown rights)(b)—

(a) in subsection (1)(a)—

- (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
- (ii) at the end insert “or (as the case may be) that person”; and

(b) after subsection (1), insert—

“(1A) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

British Railways (No. 2) Act 1992

53. In section 45 of the British Railways (No. 2) Act 1992 (Crown rights)(c)—

(a) in subsection (1)(a)—

- (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
- (ii) at the end insert “or (as the case may be) that person”; and

(b) after subsection (1), insert—

“(1A) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

(a) 1991 c.iv.
(b) 1992 c.i.
(c) 1992 c. xi.

Pittenweem Harbour Order Confirmation Act 1992

54.—(1) The Order in the Schedule to the Pittenweem Harbour Order Confirmation Act 1992(a), which was confirmed by section 1 of that Act, is amended as follows.

(2) In section 21 (Crown rights)—

(a) in subsection (1)(a)—

- (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
- (ii) at the end “or (as the case may be) that person”; and

(b) after subsection (1), insert—

“(1A) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

British Railways Act 1993

55. In section 44 of the British Railways Act 1993 (Crown rights)(b)—

(a) in subsection (1)(a)—

- (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
- (ii) at the end insert “or (as the case may be) that person”; and

(b) after subsection (1), insert—

“(1A) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Highland Regional Council (Wester Bridge) Order Confirmation Act 1993

56.—(1) The Order in the Schedule to the Highland Regional Council (Wester Bridge) Order Confirmation Act 1993(c), which was confirmed by section 1 of that Act, is amended as follows.

(2) In section 32 (Crown rights)—

(a) in subsection (1)(a)—

- (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
- (ii) at the end insert “or (as the case may be) that person”; and

(b) after subsection (1), insert—

“(1A) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

British Railways Act 1994

57. In section 28 of the British Railways Act 1994 (Crown rights)(d)—

(a) in subsection (1)(a)—

- (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
- (ii) at the end insert “or (as the case may be) that person”; and

(b) after subsection (1), insert—

(a) 1992 c.ix.
(b) 1993 c.iv.
(c) 1993 c.xii.
(d) 1994 c.iv.

“(1A) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

British Railways Order Confirmation Act 1994

58.—(1) The Order in the Schedule to the British Railways Order Confirmation Act 1994(a), which was confirmed by section 1 of that Act, is amended as follows.

(2) In section 29 (Crown rights)—

- (a) the existing text becomes subsection (1);
- (b) in that subsection—
 - (i) in paragraph (a), after “Commissioners” insert “or a relevant person”, and
 - (ii) in the closing words, after “commissioners” insert “or that person”; and
- (c) after subsection (1), insert—

“(2) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

British Railways (No. 2) Order Confirmation Act 1994

59.—(1) The Order in the Schedule to the British Railways (No. 2) Order Confirmation Act 1994(b), which was confirmed by section 1 of that Act, is amended as follows.

(2) In section 25 (Crown rights)—

- (a) the existing text becomes subsection (1);
- (b) in that subsection—
 - (i) in paragraph (a), at the end insert “or a relevant person”, and
 - (ii) in the closing words, after “commissioners” insert “or that person”; and
- (c) after subsection (1), insert—

“(2) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

British Railways (No. 3) Order Confirmation Act 1994

60.—(1) The Order in the Schedule to the British Railways (No. 3) Order Confirmation Act 1994(c), which was confirmed by section 1 of that Act, is amended as follows.

(2) In section 27 (Crown rights)—

- (a) the existing text becomes subsection (1);
- (b) in that subsection—
 - (i) in paragraph (a), at the end insert “or a relevant person”, and
 - (ii) in the closing words, after “commissioners” insert “or that person”; and
- (c) after subsection (1), insert—

“(2) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

(a) 1994 c.i.
(b) 1994 c.ii.
(c) 1994 c.iii.

Lerwick Harbour Act 1994

61.—(1) The Order in the Schedule to the Lerwick Harbour Act 1994(**a**), which was confirmed by section 1 of that Act, is amended as follows.

(2) In section 4 (Crown rights)—

(a) in subsection (1)(a)—

- (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
- (ii) at the end insert “or (as the case may be) that person”; and

(b) after subsection (1), insert—

“(1A) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Bell’s Bridge Order Confirmation Act 1995

62.—(1) The Order in the Schedule to the Bell’s Bridge Order Confirmation Act 1995(**b**), which was confirmed by section 1 of that Act, is amended as follows.

(2) In section 13 (Crown rights)—

(a) in section (1)(a)—

- (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
- (ii) at the end insert “or (as the case may be) that person”; and

(b) after subsection (1), insert—

“(1A) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

British Waterways Act 1995

63. In section 34 of the British Waterways Act 1995 (Crown rights)(**c**)—

(a) in subsection (1)(a)—

- (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
- (ii) at the end insert “or (as the case may be) that person”; and

(b) after subsection (1), insert—

“(1A) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Western Isles Council (Berneray Causeway) Order Confirmation Act 1996

64.—(1) The Order in the Schedule to the Western Isles Council (Berneray Causeway) Order Confirmation Act 1996(**d**), which was confirmed by section 1 of that Act, is amended as follows.

(2) In section 17 (Crown rights)—

(a) in subsection (1)(a)—

- (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
- (ii) at the end insert “or (as the case may be) that person”; and

(a) 1994 c.x.
(b) 1995 c.iv.
(c) 1995 c.i.
(d) 1996 c.xiii.

(b) after subsection (1), insert—

“(1A) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

The Comhairle Nan Eilean Siar (Eriskay Causeway) Order Confirmation Act 2000

65.—(1) The Order in the Schedule to the Comhairle Nan Eilean Siar (Eriskay Causeway) Order Confirmation Act 2000(a), which was confirmed by section 1 of that Act, is amended as follows.

(2) In section 28 (Crown rights)—

(a) in subsection (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after subsection (1), insert—

“(1A) In subsection (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

PART 3

Secondary legislation

Family Credit (General) Regulations 1987

66. In regulation 2(1) of the Family Credit (General) Regulations 1987 (interpretation)(b)—

(a) in the definition of “Crown property”, at the end insert “or a relevant person”, and

(b) insert in the appropriate place—

““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.

Income Support (General) Regulations 1987

67. In regulation 2(1) of the Income Support (General) Regulations 1987 (interpretation)(c)—

(a) in the definition of “Crown tenant”, at the end insert “or a relevant person”, and

(b) insert in the appropriate place—

““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.

Scottish Transport Group (Castle Bay Pier) Empowerment Order 1988

68. In article 17 of the Scottish Transport Group (Castle Bay Pier) Empowerment Order 1988 (Crown rights)(d)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(a) 2000 c.i.

(b) S.I. 1987/1973, amended by S.I. 1994/1924; there are other amending instruments but none is relevant.

(c) S.I. 1987/1967.

(d) S.I. 1988/904.

- (ii) at the end insert “or (as the case may be) that person”; and
- (b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Caledonian MacBrayne Limited (Gott Bay Pier) Harbour Revision Order 1990

69. In article 17 of the Caledonian MacBrayne Limited (Gott Bay Pier) Harbour Revision Order 1990 (Crown rights)(a)—

- (a) in paragraph (1)(a)—
 - (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (ii) at the end insert “or (as the case may be) that person”; and
- (b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Disability Working Allowance (General) Regulations 1991

70. In regulation 2(1) of the Disability Working Allowance (General) Regulations 1991 (interpretation)(b)—

- (a) in the definition of “Crown property”, at the end insert “or a relevant person”, and
- (b) insert in the appropriate place—

““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.

Town and Country Planning (General Permitted Development) (Scotland) Order 1992

71. In regulation 2(1) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (interpretation)(c), in paragraph (ii)(aa) of the definition of “operational Crown land”, after “Crown Estate” insert “or forming part of the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies”.

Lerwick Harbour Revision Order 1993

72. In article 6 of the Lerwick Harbour Revision Order 1993 (Crown rights)(d)—

- (a) in paragraph (1)(a)—
 - (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (ii) at the end insert “or (as the case may be) that person”; and
- (b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

(a) S.I. 1991/1082.

(b) S.I. 1991/2887, amended by S.I. 1994/1924; there are other amending instruments but none is relevant.

(c) S.I. 1992/223, amended by S.S.I 2006/270; there are other amending instruments but none is relevant.

(d) S.I. 1993/2087.

Montrose Harbour Revision Order 1993

- 73.**—(1) The Montrose Harbour Revision Order 1993(a) is amended as follows.
- (2) In article 2 (interpretation), after the definition of “level of high water” insert—
- “; and
 - “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.
- (3) In article 5(4) (power to dredge)—
- (a) after “the Crown Estate Commissioners”, in the first place it occurs, insert “or a relevant person”,
 - (b) after “the Crown Estate Commissioners”, in the second place it occurs, insert “or the relevant person”, and
 - (c) at the end insert “or the relevant person”.
- (4) In article 9 (Crown rights)—
- (a) after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (b) after “those Commissioners” insert “or (as the case may be) that person”.

Jobseeker’s Allowance Regulations 1996

- 74.** In regulation 1(3) of the Jobseeker’s Allowance Regulations 1996 (interpretation)(b)—
- (a) in the definition of “Crown tenant”, at the end insert “or a relevant person”, and
 - (b) insert in the appropriate place—
- ““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.

Peterhead Harbours Revision Order 1996

- 75.** In article 13 of the Peterhead Harbours Revision Order 1996 (Crown rights)(c)—
- (a) in paragraph (1)(a)—
 - (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (ii) at the end insert “or (as the case may be) that person”; and
 - (b) after paragraph (1), insert—
- “(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Inverness Harbour Revision Order 1997

- 76.** In article 16 of the Inverness Harbour Revision Order 1997 (Crown rights)(d)—
- (a) in paragraph (1)(a)—
 - (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (ii) at the end insert “or (as the case may be) that person”; and
 - (b) after paragraph (1), insert—

(a) S.I. 1993/1592.
(b) S.I. 1996/207.
(c) S.I. 1996/2755.
(d) S.I. 1997/1952.

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Lerwick Harbour Revision Order 1997

77. In article 7 of the Lerwick Harbour Revision Order 1997 (Crown rights)(a)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Western Isles Council (Brevig) Harbour Revision Order 1997

78. In article 16 of the Western Isles Council (Brevig) Harbour Revision Order 1997 (Crown rights)(b)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Peterhead Harbours Revision Order 1998

79. In article 19 of the Peterhead Harbours Revision Order 1998 (Crown rights)(c)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Scrabster (Forward Supply Base) Harbour Revision Order 1998

80. In article 21 of the Scrabster (Forward Supply Base) Harbour Revision Order 1998 (Crown rights)(d)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

(a) S.I. 1997/1472.

(b) S.I. 1997/209.

(c) S.I. 1998/1215.

(d) S.I. 1998/1221.

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Fraserburgh Harbour Revision Order 1999

81. In article 18 of the Fraserburgh Harbour Revision Order 1999 (Crown rights)(a)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Highland Council (Eigg) Harbour Empowerment Order 1999

82. In article 29 of the Highland Council (Eigg) Harbour Empowerment Order 1999 (Crown rights)(b)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Highland Council (Muck) Harbour Empowerment Order 1999

83. In article 30 of the Highland Council (Muck) Harbour Empowerment Order 1999 (Crown rights)(c)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Macduff Harbour Revision Order 1999

84. In article 16 of the Macduff Harbour Revision Order 1999 (Crown rights)(d)—

(a) in paragraph (1)(a)—

(i) for “Crown Estates Commissioners” substitute “Crown Estate Commissioners or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(a) S.S.I. 1999/40.
(b) S.S.I. 1999/201.
(c) S.S.I. 1999/203.
(d) S.S.I. 1999/172.

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

National Trust for Scotland (Canna) Harbour Revision Order 1999

85. In article 31 of the National Trust for Scotland (Canna) Harbour Revision Order 1999 (Crown rights)(a)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Scottish Natural Heritage (Rum) Harbour Empowerment Order 1999

86. In article 33 of the Scottish Natural Heritage (Rum) Harbour Empowerment Order 1999 (Crown rights)(b)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Associated British Ports (Troon) Harbour Revision Order 2000

87. In article 18 of the Associated British Ports (Troon) Harbour Revision Order 2000 (Crown rights)(c)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Scrabster (Inner Harbour Development) Harbour Revision Order 2000

88. In article 18 of the Scrabster (Inner Harbour Development) Harbour Revision Order 2000 (Crown rights)(d)—

(a) in paragraph (1)(a)—

(a) S.S.I. 1999/199.

(b) S.S.I. 1999/202.

(c) S.S.I. 2000/289.

(d) S.S.I. 2000/32.

- (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
- (ii) at the end insert “or (as the case may be) that person”; and
- (b) after paragraph (1), insert—
 - “(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Comhairle nan Eilean Siar (Aird Mhor, Barra) Harbour Empowerment Order 2001

89. In article 9 of the Comhairle nan Eilean Siar (Aird Mhor, Barra) Harbour Empowerment Order 2001 (reclamation of land)(a)—

- (a) in paragraph (2)(b), at the end insert “or the relevant person”, and
- (b) after paragraph (2), insert—
 - “(3) In paragraph (2), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Lerwick Harbour Revision Order 2001

90. In article 14 of the Lerwick Harbour Revision Order 2001 (Crown rights)(b)—

- (a) in paragraph (1)(a)—
 - (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (ii) at the end insert “or (as the case may be) that person”; and
- (b) after paragraph (1), insert—
 - “(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Comhairle nan Eilean Siar (Various Harbours) Harbour Revision Order 2002

91.—(1) The Comhairle nan Eilean Siar (Various Harbours) Harbour Revision Order 2002(c) is amended as follows.

- (2) In article 2(1) (interpretation), insert in the appropriate place—
 - ““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.
- (3) In article 7(2)(b) (reclamation of land), at the end insert “or the relevant person”.
- (4) In article 61(1)(a) (Crown rights)—
 - (a) after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (b) at the end insert “or (as the case may be) that person”.

Little Loch Broom Scallops Several Fishery Order 2002

92. In article 8 of the Little Loch Broom Scallops Several Fishery Order 2002 (rights of the Crown)(d)—

- (a) the existing text becomes paragraph (1),

(a) S.S.I. 2001/262.
 (b) S.S.I. 2001/232.
 (c) S.S.I. 2002/410.
 (d) S.S.I. 2002/186.

(b) at the end of that paragraph, insert “or a relevant person”, and

(c) after paragraph (1), insert—

“(2) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Loch Caolisport Scallops Several Fishery (Scotland) Order 2002

93. In article 8 of the Loch Caolisport Scallops Several Fishery (Scotland) Order 2002 (rights of the Crown)(a)—

(a) the existing text becomes paragraph (1),

(b) at the end of that paragraph, insert “or a relevant person”, and

(c) after paragraph (1), insert—

“(2) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

State Pension Credit Regulations 2002

94. In paragraph 13(6) of Schedule 2 to the State Pension Credit Regulations 2002 (other housing costs)(b)—

(a) in paragraph (b), at the end of the definition of “Crown tenant”, insert “or a relevant person”, and

(b) after paragraph (d), insert—

“; and

(e) “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Highland Council (Inverie) Harbour Empowerment Order 2004

95. In article 29 of the Highland Council (Inverie) Harbour Empowerment Order 2004 (Crown rights)(c)—

(a) in paragraph (1)(a)—

(i) for “Crown Estates Commissioners” substitute “Crown Estate Commissioners or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Mallaig Harbour Revision Order 2004

96. In article 10 of the Mallaig Harbour Revision Order 2004 (Crown rights)(d)—

(a) in paragraph (1)(a)—

(a) S.S.I. 2002/272.

(b) S.I. 2002/1792, amended by S.I. 2002/3019; there are other amending instruments but none is relevant.

(c) S.S.I. 2004/171.

(d) S.S.I. 2004/485.

- (i) for “Crown Estates Commissioners” substitute “Crown Estate Commissioners or a relevant person”, and
 - (ii) at the end insert “or (as the case may be) that person”; and
- (b) after paragraph (1), insert—
- “(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Caledonian MacBrayne Limited (Kennacraig) Harbour Empowerment Order 2005

97.—(1) The Caledonian MacBrayne Limited (Kennacraig) Harbour Empowerment Order 2005(a) is amended as follows.

- (2) In article 2(1) (interpretation), insert in the appropriate place—
 - ““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.
- (3) In article 6(2)(b) (reclamation of land), at the end insert “or the relevant person”.
- (4) In article 39(1)(a) (Crown rights)—
 - (a) after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (b) at the end insert “or (as the case may be) that person”.

Caledonian MacBrayne (Oban Quay) Harbour Revision Order 2005

98. In article 13 of the Caledonian MacBrayne (Oban Quay) Harbour Revision Order 2005 (Crown rights)(b)—

- (a) in paragraph (1)(a)—
 - (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (ii) at the end insert “or (as the case may be) that person”; and
- (b) after paragraph (1), insert—
 - “(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Inverness Harbour Revision (Works) Order 2005

99. In article 16 of the Inverness Harbour Revision (Works) Order 2005 (Crown rights)(c)—

- (a) in paragraph (1)(a)—
 - (i) for “Crown Estate Commissions” substitute “Crown Estate Commissioners or a relevant person”, and
 - (ii) at the end insert “or (as the case may be) that person”; and
- (b) after paragraph (1), insert—
 - “(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

(a) S.S.I. 2005/353.
 (b) S.S.I. 2005/359.
 (c) S.S.I. 2005/489.

Loch Crinan Scallops Several Fishery Order 2005

100. In article 8 of the Loch Crinan Scallops Several Fishery Order 2005 (rights of the Crown)(a)—

- (a) the existing text becomes paragraph (1),
- (b) at the end of that paragraph, insert “or a relevant person”, and
- (c) after paragraph (1), insert—

“(2) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Highland Council (Raasay) Harbour Revision Order 2006

101. In article 35 of the Highland Council (Raasay) Harbour Revision Order 2006 (Crown rights)(b)—

- (a) in paragraph (1)(a)—
 - (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (ii) at the end insert “or (as the case may be) that person”; and
- (b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Housing Benefit Regulations 2006

102. In regulation 2(1) of the Housing Benefit Regulations 2006 (interpretation)(c)—

- (a) in the definition of “Crown tenant”, at the end insert “or a relevant person”, and
- (b) insert in the appropriate place—

““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.

Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

103. In regulation 2(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (interpretation)(d), as that regulation applies in relation to Scotland—

- (a) in the definition of “Crown tenant”, at the end insert “or a relevant person”, and
- (b) insert in the appropriate place—

““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.

(a) S.S.I. 2005/304.
(b) S.S.I. 2006/17.
(c) S.I. 2006/213.
(d) S.I. 2006/214.

Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007

104. In regulation 9 of the Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007 (vessels and activities permitted in safety zones)(a)—

- (a) in paragraph (1)(e)—
 - (i) after “Crown Estate” insert “or a relevant person”, and
 - (ii) after “that body” insert “or (as the case may be) that person”; and
- (b) after paragraph (2), insert—

“(3) In this regulation, “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Lerwick Harbour Revision Order 2007

105. In article 14 of the Lerwick Harbour Revision Order 2007 (Crown rights)(b)—

- (a) in paragraph (1)(a)—
 - (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (ii) at the end insert “or (as the case may be) that person”; and
- (b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Port of Cairnryan Harbour Empowerment Order 2007

106. In article 33 of the Port of Cairnryan Harbour Empowerment Order 2007 (Crown rights)(c)—

- (a) in paragraph (1)(a)—
 - (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (ii) at the end insert “or (as the case may be) that person”; and
- (b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007

107.—(1) The Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007(d) is amended as follows.

(2) In rule 2(1) (interpretation), insert in the appropriate place—

““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.

(a) S.I. 2007/1948.
(b) S.S.I. 2007/284.
(c) S.S.I. 2007/308.
(d) S.S.I. 2007/570.

(3) In Schedule 3 (those to be served with a copy of the application and documents), in the second entry in Column (2) of the table, after “The Crown Estate Commissioners” insert “or (as the case may be) the relevant person”.

(4) In Schedule 4 (those to be served with notice of application), in the first entry in Column (2) of the table, after “The Crown Estate Commissioners” insert “or (as the case may be) the relevant person”.

Caledonian Maritime Assets Limited (Largs) Harbour Revision Order 2008

108. In article 55 of the Caledonian Maritime Assets Limited (Largs) Harbour Revision Order 2008 (Crown rights)(a)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Dumfries and Galloway Council (Garlieston) Harbour Empowerment Order 2008

109.—(1) The Dumfries and Galloway Council (Garlieston) Harbour Empowerment Order 2008(b) is amended as follows.

(2) In article 2(1) (interpretation), insert in the appropriate place—

““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.

(3) In article 7(2)(b) (reclamation of land), at the end insert “or the relevant person”.

(4) In article 56(1)(a) (Crown rights)—

(a) after “Crown Estate Commissioners” insert “or a relevant person”, and

(b) at the end insert “or (as the case may be) that person”.

Dumfries and Galloway Council (Isle of Whithorn) Harbour Empowerment Order 2008

110.—(1) The Dumfries and Galloway Council (Isle of Whithorn) Harbour Empowerment Order 2008(c) is amended as follows.

(2) In article 2(1) (interpretation), insert in the appropriate place—

““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.

(3) In article 7(2)(b) (reclamation of land), at the end insert “or the relevant person”.

(4) In article 56(1)(a) (Crown rights)—

(a) after “Crown Estate Commissioners” insert “or a relevant person”, and

(b) at the end insert “or (as the case may be) that person”.

(a) S.S.I. 2008/182.

(b) S.S.I. 2008/190.

(c) S.S.I. 2008/189.

Dumfries and Galloway Council (Port William) Harbour Empowerment Order 2008

111.—(1) The Dumfries and Galloway Council (Port William) Harbour Empowerment Order 2008(a) is amended as follows.

(2) In article 2(1) (interpretation), insert in the appropriate place—

““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.

(3) In article 7(2)(b) (reclamation of land), at the end insert “or the relevant person having management of that land”.

(4) In article 56(1)(a) (Crown rights)—

(a) after “Crown Estate Commissioners” insert “or a relevant person”, and

(b) at the end insert “or (as the case may be) that person”.

Peterhead Port Authority Harbour Revision Order 2008

112. In article 19 of the Peterhead Port Authority Harbour Revision Order 2008 (Crown rights)(b)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

113. In the table in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (consultation and notification)(c), as that table applies in relation to Scotland, after the entry for “The Crown Estate Commissioners” insert—

“A person who manages any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies	All proposed applications likely to impact on the property, rights and interests managed by the person to which section 90B(5) of the Scotland Act 1998 applies	All applications likely to impact on the property, rights and interests managed by the person to which section 90B(5) of the Scotland Act 1998 applies ”
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Loch Ryan Port (Harbour Empowerment) Order 2009

114. In article 32 of the Loch Ryan Port (Harbour Empowerment) Order 2009 (Crown rights)(d)—

(a) in paragraph (1)(b), at the end insert “or (as the case may be) the relevant person”, and

(b) after paragraph (1) insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

(a) S.S.I. 2008/188.

(b) S.S.I. 2008/331.

(c) S.I. 2009/2264.

(d) S.S.I. 2010/31.

Offshore Gas Storage and Unloading (Licensing) Regulations 2009

115. In paragraph 1(1) of the Schedule to the Offshore Gas Storage and Unloading (Licensing) Regulations 2009 (model clauses for gas storage licences)(a)—

- (a) for the definition of “Crown lease” substitute—
 - ““Crown lease” means (as the case may be)—
 - (a) a lease of property forming part of the Crown Estate, or an authorisation to exercise rights forming part of that Estate, or
 - (b) a lease of property forming part of the Scottish assets, or an authorisation to exercise rights forming part of those assets,and includes a Crown lease which has or may be granted;”, and
- (b) insert in the appropriate place—
 - ““Scottish assets” means any property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies;”.

Port Babcock Rosyth Harbour Empowerment Order 2009

116. In article 37 of the Port Babcock Rosyth Harbour Empowerment Order 2009 (Crown rights)(b)—

- (a) in paragraph (1)(b), at the end insert “or (as the case may be) the relevant person”, and
- (b) after paragraph (1) insert—
 - “(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Renewables Obligation (Scotland) Order 2009

117.—(1) The Renewables Obligation (Scotland) Order 2009(c) is amended as follows.

- (2) In article 2(1) (interpretation)—
 - (a) in the definition of “demonstration lease”, after “Crown Estate” insert “Commissioners or a relevant person”, and
 - (b) insert in the appropriate place—
 - ““relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests;”.
- (3) In article 30C(3)(b)(ii) (offshore wind generating stations using test and demonstration wind turbines), after “Crown Estate” insert “Commissioners or a relevant person”.
- (4) In article 30D(3)(b)(ii) (offshore wind generating stations using floating wind turbines), after “Crown Estate” insert “Commissioners or a relevant person”.

Infrastructure Planning (Compulsory Acquisition) Regulations 2010

118. In the table in Schedule 2 to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (notice of proposed provision)(d), as that table applies in relation to Scotland, after the entry for “The Crown Estate Commissioners” insert—

“A person who manages any property, rights or interests to which section 90B(5) of the	All proposed provisions likely to impact on the property, rights and interests managed
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(a) S.I. 2009/2813.

(b) S.S.I. 2009/27.

(c) S.S.I. 2009/140; relevant amending instruments are S.S.I. 2014/94 and 2015/384.

(d) S.I. 2010/104.

Lerwick Harbour Revision Order 2010

119. In article 22 of the Lerwick Harbour Revision Order 2010 (Crown rights)(a)—

(a) in paragraph (1)(a)—

(i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(ii) at the end insert “or (as the case may be) that person”; and

(b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Caledonian Maritime Assets (Kennacraig) Harbour Revision Order 2011

120. In article 22 of Caledonian Maritime Assets (Kennacraig) Harbour Revision Order 2011 (Crown rights)(b)—

(a) in paragraph (1)(b), at the end insert “or (as the case may be) the relevant person”, and

(b) in paragraph (3), at the end insert “and “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests”.

Caledonian Maritime Assets (Port Ellen) Harbour Revision Order 2011

121. In article 20 of Caledonian Maritime Assets (Port Ellen) Harbour Revision Order 2011 (Crown rights)(c)—

(a) in paragraph (1)(b), at the end insert “or (as the case may be) the relevant person”, and

(b) in paragraph (3), at the end insert “and “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests”.

Campbeltown Harbour Revision Order 2011

122. In article 22 of the Campbeltown Harbour Revision Order 2011 (Crown rights)(d)—

(a) in paragraph (1)(b), at the end insert “or (as the case may be) the relevant person”, and

(b) after paragraph (1) insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Fraserburgh Harbour Revision Order 2011

123. In article 32 of the Fraserburgh Harbour Revision Order 2011 (Crown rights)(e)—

(a) in paragraph (1)(b), at the end insert “or (as the case may be) the relevant person”, and

(b) after paragraph (1), insert—

(a) S.S.I. 2010/471.
(b) S.S.I. 2011/347.
(c) S.S.I. 2011/283.
(d) S.S.I. 2011/422.
(e) S.S.I. 2011/447.

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011

124. In the table in Schedule 1 to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (consultation and notification)(a), as that table applies in relation to Scotland, after the entry for “The Crown Estate Commissioners” insert—

“A person who manages any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies	All proposed applications likely to impact on the property, rights and interests managed by the person to which section 90B(5) of the Scotland Act 1998 applies	All applications likely to impact on the property, rights and interests managed by the person to which section 90B(5) of the Scotland Act 1998 applies”
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Scrabster (Deep Inner Berth) Harbour Revision Order 2011

125. In article 20 of the Scrabster (Deep Inner Berth) Harbour Revision Order 2011 (Crown rights)(b)—

- (a) in paragraph (1)(b), at the end insert “or (as the case may be) the relevant person”, and
- (b) after paragraph (1) insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011

126. For regulation 5(5) of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011 (exempt private sewers and exempt private lateral drains)(c) substitute—

“(5) In this regulation—

“the appropriate authority” means—

- (a) in the case of land which belongs to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having management of the land concerned, or the relevant person,
- (b) in the case of land which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, that department; and

“relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Shetland Islands Regulated Fishery (Scotland) Order 2012

127. In article 11 of the Shetland Islands Regulated Fishery (Scotland) Order 2012 (rights of the Crown)(d)—

- (a) in paragraph (1)—
 - (i) after “Crown Estate Commissioners” insert “or a relevant person”, and

(a) S.I. 2011/2055.
(b) S.S.I. 2011/284.
(c) S.I. 2011/1566.
(d) S.S.I. 2012/348.

- (ii) at the end insert “or (as the case may be) that person”; and
- (b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013

128. In article 23 of the Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013 (Crown rights)(a)—

- (a) in paragraph (1)(b), at the end insert “or (as the case may be) the relevant person”, and
- (b) in paragraph (3), at the end insert “and “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests”.

Loch Sligachan, Isle of Skye, Scallops Several Fishery Order 2013

129. In article 7 of the Loch Sligachan, Isle of Skye, Scallops Several Fishery Order 2013 (rights of the Crown)(b)—

- (a) the existing text becomes paragraph (1),
- (b) at the end of that paragraph, insert “or a relevant person”, and
- (c) after paragraph (1), insert—

“(2) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Rosyth International Container Terminal (Harbour Revision) Order 2013

130. In article 16 of the Rosyth International Container Terminal (Harbour Revision) Order 2013 (Crown rights)(c)—

- (a) in paragraph (1)(b), at the end insert “or (as the case may be) the relevant person”, and
- (b) in paragraph (3), at the end insert “and “relevant person” , in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.

Contracts for Difference (Allocation) Regulations 2014

131. In regulation 27 of the Contracts for Difference (Allocation) Regulations 2014 (offshore CFD units)(d)—

- (a) in paragraph (2), after “Crown Estate” insert “Commissioners or a relevant person”, and
- (b) in paragraph (3), at the end insert “and “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests”.

(a) S.S.I. 2013/46.
(b) S.S.I. 2013/280.
(c) S.S.I. 2013/288.
(d) S.I. 2014/2011.

Port of Ardersier Harbour Revision Order 2014

132. In article 34 of the Port of Ardersier Harbour Revision Order (Crown rights)(a)—

- (a) in paragraph (1)(b), at the end insert “or (as the case may be) the relevant person”, and
- (b) after paragraph (1), insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Renewables Obligation Closure Order 2014

133. In article 13 of the Renewables Obligation Closure Order 2014 (notices of intent)(b)—

- (a) in paragraph (5)(c), after “Crown Estate Commissioners” insert “or a relevant person”; and
- (b) in paragraph (10)—
 - (i) omit “and” after the definition of “offshore waters”, and
 - (ii) after the definition of “planning permission”, insert—
“; and

“relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015

134. In article 57 of the Caledonian Maritime Assets (Brodict) Harbour Revision Order 2015 (Crown rights)(c)—

- (a) in paragraph (1)(b), at the end insert “or (as the case may be) the relevant person”, and
- (b) after paragraph (1) insert—

“(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015

135.—(1) In the table in Schedule 1 to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (statutory parties)(d), insert in the appropriate place —

“A person who manages any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies*”	All applications likely to impact on the property, rights and interests managed by the person to which section 90B(5) of the Scotland Act 1998 applies ”
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Lerwick Harbour Revision Order 2015

136. In article 24 of the Lerwick Harbour Revision Order 2015 (Crown rights)(e)—

- (a) in paragraph (1)(a)—

(a) S.S.I. 2014/224.
(b) S.I. 2014/2388.
(c) S.S.I. 2015/6.
(d) S.I. 2015/462.
(e) S.S.I. 2015/4.

- (i) after “Crown Estate Commissioners” insert “or a relevant person”, and
 - (ii) at the end insert “or (as the case may be) that person”; and
- (b) after paragraph (1), insert—
- “(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Little Loch Broom Scallops Several Fishery Order 2015

137. In article 8 of the Little Loch Broom Scallops Several Fishery Order 2015 (rights of the Crown)(a)—

- (a) the existing text becomes paragraph (1),
 - (b) at the end of that paragraph, insert “or a relevant person”, and
 - (c) after paragraph (1), insert—
- “(2) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 2015

138.—(1) In article 8 of the Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 2015 (rights of the Crown)(b)—

- (a) the existing text becomes paragraph (1),
 - (b) at the end of that paragraph, insert “or a relevant person”, and
 - (c) after paragraph (1), insert—
- “(2) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

Peterhead Port Authority Harbour Revision Order 2015

139. In article 26 of the Peterhead Port Authority Harbour Revision Order 2015 (Crown rights)(c)—

- (a) in paragraph (1)(b), at the end insert “or (as the case may be) the relevant person”, and
- (b) in paragraph (3), at the end insert “and “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests”.

Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016

140. In article 32 of the Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (Crown rights)(d)—

- (a) in paragraph (1)(b), at the end insert “or (as the case may be) the relevant person”, and
 - (b) after paragraph (1), insert—
- “(1A) In paragraph (1), “relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.”.

(a) S.S.I. 2015/28.
(b) S.S.I. 2015/30.
(c) S.S.I. 2015/298.
(d) S.S.I. 2016/156.

EXPLANATORY NOTE

(This note is not part of the Scheme)

Section 90B of the Scotland Act 1998 provides for the devolution to Scotland of the functions of managing the Crown Estate's wholly-owned assets in Scotland ("the existing Scottish functions"). This Scheme gives effect to that devolution.

Paragraph 3 transfers the existing Scottish functions to Crown Estate Scotland (Interim Management) ("the transferee"), a body specifically established for the purposes of the transfer.

Paragraph 4 and Schedule 1 specify the property, rights and interests the management of which will (in the Treasury's view) transfer under the Scheme on the transfer date.

Paragraph 5 and Schedule 2 specify the rights and liabilities which will transfer under the Scheme.

Paragraph 6 and Schedule 3 make provision in relation to the transfer of staff from the Crown Estate to the transferee. In particular, protections are included in relation to dismissal, contract variation and pensions. The provisions are modelled on, but apply instead of, the Transfer of Undertakings (Protection of Employment) Regulations 2006.

Paragraph 7 and Schedule 4 make provision about the protection of certain UK-wide interests. Part 1 makes provision in relation to defence and national security, Part 2 in relation to the electronic communications code, Part 3 in relation to certain pipeline payments and Part 4 in relation to certain electricity infrastructure payments.

Paragraph 8 and Schedule 5 make consequential amendments to certain Acts of the UK Parliament, Acts of the Scottish Parliament, Local Acts, UK Statutory Instruments and Scottish Statutory Instruments.

Paragraph 9 requires the preparation of a statement of income account and a statement of capital account by the Crown Estate Commissioners for the period starting on 1st April 2016 and ending immediately before the transfer date.

Paragraphs 10 to 13 make provision in relation to the treatment of certain receipts after the transfer date.

Paragraph 14 makes supplementary provision in relation to matters such as the continuity of functions.

Paragraph 15 requires the transferee to publish a notice of the transfer in the Edinburgh Gazette and the London Gazette.

An impact assessment has not been prepared for this instrument because no impact on the private or voluntary sector is foreseen.

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